

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
May 29, 2007**

A special meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on May 29, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti and Judy Juliana. 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 APRIL 9 AND APRIL 23, 2007 PLAN COMMISSION MEETINGS.**

Jim Bandura:

Move for approval.

Wayne Koessler:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY WAYNE KOESSL TO APPROVE THE MINUTES OF THE APRIL 9 AND APRIL 23, 2007 MEETINGS AS PRESENTED TO THE COMMISSION IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS

Thomas Terwall:

If you're here tonight for one of the items that's listed on the agenda as a public hearing, we would ask that you hold your comments until that public hearing is held so your comments can be incorporated as an official part of the record of that public hearing. However, if you're here for Item C which is not a public hearing, or if you're here for an item that's not on the agenda, now would be your opportunity to speak. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak?

6. OLD BUSINESS

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

Thomas Terwall:

We need a motion to take that from the table.

Wayne Koessl:

Mr. Chairman I'd so move. How about Item A and B at the same time?

Thomas Terwall:

We can remove them from the table but we're not going to discuss those two together, are we?

Jean Werbie:

No.

Wayne Koessl:

I'm just removing them from the table.

John Braig:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG TO REMOVE ITEMS A AND B FROM THE TABLE FOR FURTHER CONSIDERATION. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this first item is consideration of Plan Commission Resolution 07-14 to consider an amendment to a portion of the Isetts Neighborhood Plan, and this is for the area that is south of 85th Place, east of Cooper Road, north of 89th Street and west of 47th Avenue.

As you know, the Village has, pursuant to the provisions of 62.23 of the Statutes, created a Plan Commission and the Plan Commission has the authority to adopt master plans. What you have before you is a portion of that master plan known as a subset of one of our neighborhood plans. The neighborhood plan then is a component of our comprehensive plan.

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

Neighborhood Plans take into account the compatibility of land uses, identifies how future land divisions could occur, plans how access roadways to the land divisions could be provided and examines the practicability of providing certain lot layouts, road layouts, parkways, open space areas, park areas, preservation areas, public community facilities, infrastructure and municipal services can service a particular area. Neighborhood Planning is essential to the orderly growth of the community and establishes a framework as to how development can occur when and if it does occur.

The Isetts Neighborhood, as I explained, is generally located in the vicinity of 85th Street down to 89th Street. I'm sorry, 93rd Street between 30th Avenue and Cooper Road so it's a pretty large neighborhood. The area that we're going to be talking about this evening is just a subset or a very small portion of that particular neighborhood.

In 1997, there were three alternative plans that were approved by the Plan Commission and the Village Board for this portion of the Isetts neighborhood that we're going to be talking about. In general, the neighborhood plans proposed to extend the existing right of ways into this area including at 48th and 50th Avenues, from 85th Place and extend 89th Street between 47th Avenue in

the City to Cooper Road on the west in the Village, and to extend 87th Street and 88th Place from 47th in the City into this area.

In 2001, there were some changes to this area as we developed the Cooper Heights Subdivision, this including the development of 15 single family lots and it involved the construction of 87th Place west from 47th Avenue and also 48th Avenue connection north between 85th Place which part of it was existing but down to 87th. In 2001 the Cooper Heights Subdivision was then completed.

But since that time we've had some inquiries with respect to the land south of 87th Place and to amend the current neighborhood plans. On April 23rd the Plan Commission held a public hearing and tabled the request so that the Village staff could evaluate the additional access to Cooper Road. The neighborhood plan has been re-looked at and 50th Avenue is proposed to connect to 89th Street and 89th Street to Cooper Road. We felt that this was an integral connection to bring access from Cooper into this particular area and then make that interconnection to the City of Kenosha.

So 47th Avenue would connect north from 87th Place to 85th Street; 89th Street would connect west to Cooper Road from 47th Avenue; 50th Avenue would connect between 89th Street and 85th Place; 48th Avenue would connect south to 88th Place. All of these connections are shown on the slide and we can talk about these in detail. 88th Street west of 47th Avenue in the City would not be extended west into the vacant area and it is recommended to be vacated.

All of the vacant land in this area would not develop at one time. It's all under different ownerships. The area south of 87th Place will likely develop over several years as shown on Exhibit B of the Plan Commission Resolution. Lots 3 and 4 are proposed to be created by certified survey map later this year. These lots will have access to the existing 87th Place and no additional public improvements are required to create these two lots because they're just south of and abutting to the Cooper Heights Subdivision.

The remaining 7 single family lots, 1 and 2, 5 through 9, and the proposed retention basin adjacent to 48th Avenue are proposed to be created within the next two years. This 7 lot development would require public improvements to be installed in a portion of 50th Avenue, 88th Place and 48th Avenue as well as the construction of the retention basin as shown on the slide. So, again, the initial two lots in red would be constructed upon initially and then the balance would be in the next couple of years.

Lots 19 through 22 could be created once 50th Avenue is constructed. Lots 10 through 15 could be created if adjacent property owners to the south decided to combine their land for development purposes. And Lots 16 through 18 abutting the proposed 50th Avenue and Lots 1 through 11 abutting the proposed 89th Street could not be created until 50th Avenue is extended south to 89th Street, and then 89th Street has its connection to Cooper Road.

I understand this was an item back in April for discussion. We have made some minor modifications to the neighborhood plan and we'd like to continue the public hearing and discuss this neighborhood plan at this time.

Thomas Terwall:

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

Corey Bethke:

My name is Corey Bethke. I live at 8901 Cooper Road. This plan how it affects me is this smaller retention pond in the lower left-hand corner, I live just to the south of this retention pond. I don't like that idea of having a retention pond right next to my lot. That used to be split up on other plans as two separate lots. The retention pond I believe could lower my property value and be an eyesore to me.

Thomas Terwall:

Anybody else?

Jerry Stein:

Jerry Stein, 8535 48th Avenue. When I was at the meeting last we were trying to figure out better access for increasing the neighborhood there because 48th Avenue cannot take any more traffic. It's already overflowed considerably and in disrepair which everyone has agreed with. I think until these developers want to do something about this road to add even more homes that are going to currently use 48th Avenue, which I know they will, I can't see how we can allow this. In fact, yesterday, and I'll give you a quick example, I pulled out of my driveway, my wife and I decided let's go take a ride through there and see what's going on. There was a car coming up 48th right behind me. They followed me all the way over to 89th and 39th Avenue where the apartments are over there and that's where they turned in to go in. They use that whole neighborhood going all the way through there when they could have went right 85th to 39th. Why? I mean that's the kind of traffic I have. I sat in my living room the other night, 75 percent, literally, I did the math, did not stop for the stop sign at 48th and 85th Place. I can't let my six year old play out in the front yard for fear if he wanders into the street or something people aren't even stopping for the stop sign.

Other than Mr. Yaeger who just came in, I've lived in that neighborhood since 1978, longer than anyone in this room. That was a beautiful neighborhood dead end road. Now I wish so bad that 47th could go through so I could build on my lot behind me so I could get away from 48th. That's how bad it is. I've lived there since I was ten years old. I bought that house because I wanted it and it was nice and peaceful. It's ruined because of opening it to the City. Until they get some other relief there we're just going to continue to multiply the problem and still not address 48th Avenue as far as disrepair and so on. So I'd really like to see this Commission make a stand and say, you know what, it's about time we start taking care of the people that have been there since 1953 when that neighborhood was started over there on 48th Avenue and look at what they have for concerns. Not just, well, let's put up more homes. It starts out with two right now is all they're looking at adding, correct?

Jean Werbie:

Correct.

Jerry Stein:

But if it hadn't been opened up, these 15 homes or whatever we could accept that, most all the neighbors that I've talked to. But with the influx of all the other people from West Isetts it's just gotten out of control. We've created a monster. I'd like to see 87th shut off personally.

Thomas Terwall:

Thank you. Is there anybody else? Anybody else? I'll open it up to comments and questions from Commissioners and staff. Any response, Jean?

Jean Werbie:

The first question was from Mr. Bethke with respect to the retention basin. This is only a probable location for a retention basin on the Lannoye property. It could go anywhere where the water drains to it. The problem is that the depth of the lot for a new single family lot needs to be a minimum of 125 feet. So they couldn't create any lot at that particular location with the road coming in. So we felt that that might be a more ideal location up adjacent to the roadway, and since no new lots could be built in this area that area would be unbuildable, and so we thought based on the topography that that would be a more desirable location for the retention basin. Certainly if there's another location when the property owners wanted to develop that particular subdivision we could certainly look at another location. But the situation is we need 89th Street to connect to 89th in the City and we need a connection north to help funnel some of this traffic to the south and then over to Cooper Road.

And Peggy also brings up a good point. We do try at all costs align streets so that there's not a jogged street at a local arterial so we do need to make that alignment. So I don't think it's carved in stone that the retention basin needs to go there but it's a more viable use of the land at that location than to let it sit vacant.

Mike Pollocoff:

Just a bit on that as I was looking at somebody juggled in my mind. I think when we designed the storm sewer on the south end of Whittier Heights we brought out a storm inlet to Cooper Road. I believe, and I'll have to check the engineering plans, but I think we designed that inlet on Cooper Road, again, it would be the back lots and the people on 89th to kind of capture that drainage area there and the basin on Whittier was designed to handle that so we might not need one there.

Jean Werbie:

Cooper Woods or Whittier?

Mike Pollocoff:

No, Whittier III Addition. So that might not be needed at all. I'll take a check on that. I'd have to go back and find the storm couch for that subdivision. If not, if you want to put, the property

owners that are abutting that area they want it to be in the lowest spot, and for that strip of street that's the lowest spot. So finding some way to make it work would be if we can't take it farther west into Whittier would be the way to go.

The other thing on 48th Avenue the staff worked to find some ways to redefine this area. I guess there's two issues. One is that the condition of 48th Avenue is difficult. There's no denying that. If the Plan Commission decides that that opening should occur or eventually occur, this summer we were going to look at seeing if we could talk to the residents on 48th Avenue where there currently is no municipal water and if they would agree to allow us to place an easement along their front yard so that at some point in the future whenever those people need water or want water we could do it without ripping up the road.

Then we'd go through and rebuild 48th Avenue from 85th Street to 85th Place. That would get the road back in better condition. But I wouldn't anticipate changing the profile of the road to make it wider. All the homes have already been constructed on that street based on what their distance would be from that existing pavement. That would put the road in better condition but that doesn't address the issue of traffic that use that road.

Back when that road was laid out it was anticipated to go farther to the south. It was anticipated then, how it was going to happen. Back at that time I'm not sure the County or the Town knew but that's what it is. As part of our road work we can get that one improved to the condition for the people that live there it would be in better shape. But we would like to get easements for the water main so we could do that. Otherwise if we do put a water main in it will be more expensive for the people that live there because that cost for the reconstruction of the road gets billed back to them rather than everybody else.

Thomas Terwall:

Which roads that are not extended now need to be extended in order to alleviate the 48th Avenue problem?

Mike Pollocoff:

89th Street. 89th Street makes the most sense. It's part of the transportation plan. The entire West Isetts development that's incorporated within the City anticipated that if you look at it everything funnels to 89th to go through to Cooper Road. That's the one that is going to alleviate most traffic from 48th Avenue. Going down Cooper is going to be, even if 48th is paved, going down Cooper will be easier than going down 48th Avenue.

Thomas Terwall:

Can the extension of 89th to Cooper be a prerequisite to the development of this area?

Mike Pollocoff:

I don't know if it can be—we have it kind of phased in to the extent we can, but I don't think we could deny the two certified survey lots that are on the existing street.

Thomas Terwall:

And I don't mean those two lots. I mean anything beyond that.

Mike Pollocoff:

Yes. If the Plan Commission wanted to take the lots on 88th Place and say we're not going to attempt that street until 89th goes through, but you'd have to limit the construction of 89th as well until 50th went through, otherwise you're going to have two property owners that are going to be playing chicken with each other. I think what the Village needs is both those property owners when they do develop to do it cooperatively.

Thomas Terwall:

Has there been any contact between the Village and those two property owners or between any developers and those two property owners to know if they're even interested in developing their land?

Mike Pollocoff:

I haven't. It's been years and years and years since I've talked to the Lannoye family on 89th.

Jean Werbie:

But the petitioner is in the audience and maybe she can address that.

Mike Pollocoff:

If the petitioner has had some discussions.

Dora Azmus:

Hello, I'm Dora Azmus. I live at 8750 47th Avenue. We're the owners of the property that's right along 87th Place. We have talked with the Lannoyes. At this particular point I don't believe they're completely ready to start the development of their land. Mrs. Lannoye is in the audience right now and perhaps could answer that. But the concerns that she brought up to me I guess there was a previously approved plan for that that had smaller lot sizes, and I guess until she gets those issues resolved she probably would not want to go forward. I don't want to speak for you.

But, anyway, I just would like you to consider the Lots 1 through 9 and the retention basin are on property that we currently own. So I would just like you to consider the possibility of allowing us to build just on those nine lots because when you talk about the traffic really that's only adding about 20 more cars in the area. As some folks in the audience have already pointed out there's a lot of traffic coming from other parts. But adding 20 more cars is probably not going to be a huge impact. So thank you for your consideration.

Mike Serpe:

Mike, you mentioned that the City at one time did they ever show 89th Street going to Cooper Road in their plan?

Mike Pollocoff:

Sure, that was all supposed to be annexed in.

Jean Werbie:

Right. In fact, those were plans that were done in the '80s by Ray Forgiani and the City of Kenosha. I have a number of those plans. They had four or five different layouts in the '80s and the Lannoyes were doing by certified survey map, for example, four at a time and bringing them into the City.

Mike Serpe:

And it seems to me that if the City and Pleasant Prairie got together here to make this a reality it would benefit the City residents tremendously as it would people that live on 48th Avenue. What's the chances of that ever taking place?

Mike Pollocoff:

In discussions with the City over the last ten years has really kind of revolved around the fact that they would be happy to see us do it.

John Braig:

What factors go into establishing the size or the volume of a retention basin?

Mike Pollocoff:

Area, how much water can be taken by the downstream facility and at what rate, so it really is everyone is different but it's basically how much inflow and how much can release at certain rainstorms, what's the most you can release and how much you can hold to meet anything under a ten year or two year or 100 year.

John Braig:

Obviously, hard surfaces, roofs, pavements, driveways, etc. are one factor. Is the type of soil a factor?

Mike Pollocoff:

No. It would be a factor for the impervious area where the homes are. Across the Village we have certain soils that are more permeable than others so that we'll take a look into the design of a storm water basin and see what classification of soils there are in the area in general and then

subtract from that what we know the hard surface is going to be so we'll have a good idea what the release rate is. But I think an engineer is going to assume that an improved urban lot is going to discharge at a quick rate because at that point you have all grass and everything is grassed up the water is going to run off pretty quick. It's different from vacant or unused land.

Larry Zarletti:

When we see a plan like this and you talk about a retention basin, are we to assume that they are all dry unless there's rain and they fill up, or they're going to be like the one at Cooper and 60th Avenue where they're water all the time?

Mike Pollocoff:

It's not 100 percent, but most basins under the new clean water standards are going to have to be wet basins to allow settling of solids in the basin before it releases. So there's a conceivable opportunity for some dry basins to exist, but more than likely not. I think as a developer enters the planning for the development and as we evaluate it we want to make sure that that basin is not going to be something where we're going to have to go back later on and make a wet basin in order to meet the standards we have to meet. So by and large most of them are wet.

Wayne Koessl:

Mr. Chairman, unless some other Commissioners have some strong feelings about this, I'm going to move that the Plan Commission approve Resolution 07-14 as a guide for future development of this portion of the Isetts Neighborhood Plan.

Mike Serpe:

I want to second that because I want to make a couple more comments. Mike, the basins that we're approving now that have to be wet are we also insisting that they be aerated?

Mike Pollocoff:

Yes. Again, it's not 100 percent. Some basins aren't conducive to that. But where there's going to be people around them, if you keep the water quality up, if you keep the mosquitos down and things like that it's better to have them aerated.

Mike Serpe:

What would be the possibility of having our staff, you and Jean's staff meet with planning from the City to take on 89th Street to Cooper Road?

Mike Pollocoff:

We're more than glad, if we're directed to go visit with them we will. But I want to advise you that right now we've had one project that we undertook as lead agency at 60th Avenue to open that area up. That's been done almost three years and the City still won't pay their share of it.

Thomas Terwall:

And we have no recourse?

Mike Pollocoff:

We can litigate?

Mike Serpe:

How much is it?

Mike Pollocoff:

It's about \$140,000. We haven't been able to get the City to pay for their share of the Highway 50 planning on their side of the highway. As far as intergovernmental cooperation on streets with the City it's been a difficult process.

Mike Serpe:

I think it's time to come to the table again and I think these things have to be aired out. For this to take place is not doing their residents any good. It's not doing our residents any good. And for them to welch on \$140,000 of a commitment to 60th Avenue is certainly not good.

John Braig:

Does that represent an attitude of the Mayor or the staff or what?

Mike Pollocoff:

Well, I can only assume that they're taking their direction from their executive.

John Braig:

That's due to change.

Thomas Terwall:

I want to make a comment. I like this plan and I will vote to support Wayne's motion to adopt it. But I want to make sure that just because we adopt this plan doesn't mean that we're allowing construction to begin on all those lots until something is done about 48th Avenue. I don't have any disagreement at all with those people. Adding more traffic to what is already a bad situation is not a good idea. This is just one more example of where the City has expanded and relied on our streets to go through. Look at the development west of 82nd Street. Until 60th Avenue went in the only people that those people could get in and out of their houses was to travel on 82nd Street to Cooper Road. When I opened 86th Street west of 43rd Avenue in my wildest dreams I never believed the number of cars from the City that were going to use that as a way to get to 85th

Street. It was like a thoroughfare. And to try to do that on 48th Avenue doesn't make sense to me. When I put 86th Street through at least that was curb and gutter and a wide enough road to handle that but 48th Avenue isn't. I just want to make sure that if we approve this plan we're saying this is the direction we want to go but the timing of it has got to be tied to provision of the streets in order to make that happen.

Mike Pollocoff:

On 48th?

Thomas Terwall:

Yes. Anything further?

Larry Zarletti:

I kind of feel like we're getting the cart before the horse if we approve this tonight without having some parameters set down on exactly what's going to happen with the roads. I can sympathize with some of those in the audience today that want to see that traffic taken care of. What I'm afraid of is if we push this forward it will be one less hurdle somewhere down the road to move this plan forward. It's certainly not their fault that we can't get the City to pay up on the last one which would make us skeptical about going into yet another plan with them. But to approve this I would have to know that we plan to sit down and have negotiations with them on 89th Street without a doubt.

Donald Hackbarth:

Mike, on Cooper Road question number one. Are we trying to limit access to that from the east? Is there some kind of restriction to say you can only put two intersections feeding off of this property?

Mike Pollocoff:

We have some design standards as far as the number of streets that are coming into Cooper Road. And that's been dictated by the modifications in the neighborhood plans we have to date. We did at one point have 87th coming out and we closed that off. Now it's going to be 85th Street and 89th. That's the only opportunity for them to come out.

Donald Hackbarth:

There's where I see the problem. What we're doing is we're limiting access to Cooper Road, and what we're actually doing is taking the mass population and shoving them on 48th and then up to 85th Place and a future developed 89th. The reason I'm saying this is, again, are all the properties along Cooper Road on the east side of the street are those all residential already?

Mike Pollocoff:

Yes.

Donald Hackbarth:

Okay. Because what I'm saying is my way of looking at it in looking at your alternate 1, just looking at that, if we could take 87th and run it through to Cooper Road I think that would eliminate a lot of traffic on 48th.

Mike Pollocoff:

We kind of went through this back when we did Cooper Heights. We allowed a person where 87th goes through to expand their home where the road was going to be. So in some respects we've created the problem.

Donald Hackbarth:

But I see the mass push from the east. When these folks want to get to Cooper Road where have we funneled them? We've funneled them down 47th to 85th. I just don't think there's enough access to Cooper Road and we're shoving everybody down the gentleman's throat back there. I'd be ticked off, too. I go along with Larry. I'm not going to vote for this until we have some more definitive on the roads.

Wayne Koessl:

Mr. Chairman, we've had this neighborhood plan for that whole area numerous times before us and there's always going to be some little road you don't want, some little person doesn't want a car to go by his house. We've had this tabled before. We keep working on it. I think this is the best one we're going to get now and I think we should move forward with it.

Jim Bandura:

Tom, just one comment. I kind of side with Mike Serpe to get some dialogue going with the City to try and resolve this. As far as traffic goes I've got a stop sign on my street and I can tell you right now that nobody stops for it. So I wish there was a solution for neighbors, friends, people respect the stop signs. I wish that would happen but unfortunately it's the nature of the beast and I don't like it either. But I would suggest that we do like Larry says and Mike to get some kind of dialogue going with the City.

Wayne Koessl:

But isn't the problem on 89th Street really up to the property owner?

Jean Werbie:

Yes.

Wayne Koessl:

If they don't feel like doing anything or developing it you can talk to the City forever and you're not going to get anything done. If the property owner wants to develop and put a roadway through there the thing would move ahead.

Thomas Terwall:

And that's why my position is until that happens I couldn't approve the other development other than those two lots that are going to be created with CSMs. It's no different than what we've got going on on 26th Avenue south of 116th Street. Until the road goes in you can't develop. It's up to you to get the road to go through so that's my position.

Mike Serpe:

I have to agree with that.

Thomas Terwall:

IF THERE'S NO FURTHER COMMENT THEN THE MOTION BY WAYNE KOESSL AND SECOND BY MIKE SERPE IS TO APPROVE THE ISSETTS NEIGHBORHOOD PLAN AS PRESENTED AND SUBJECT TO THE COMMENTS AND CONDITIONS AS OUTLINED IN THE STAFF MEMORDANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

Larry Zarletti:

No

John Braig:

No.

Don Hackbarth:

No

Wayne Koessl:

Aye.

Jim Bandrua:

Aye

Mike Serpe:

Aye

Tom Terwall:

Aye

Thomas Terwall:

A show of hands. All in favor raise your hand. Opposed? So much for the rubber stamp.

Mike Pollocoff:

So the resolution is approved as is with any caveats? Was there an amendment to it?

Jean Werbie:

Are you requesting us to bring some information back on the improvement on 48th Avenue, on meeting with the property owner on 89th Street, all of the above?

Mike Serpe:

On 89th Street and if that's successful meeting with the City.

Thomas Terwall:

And don't let Baxter retire yet because I think we're going to need him one more time.

Mike Pollocoff:

Okay.

—:

What did we approve? Did we approve the lots then?

Thomas Terwall:

We approved that plat but we didn't—

Jean Werbie:

This is the neighborhood plan, just the neighborhood plan.

—:

Does that mean they will be allowed to build then or if when you guys do allow?

Thomas Terwall:

In order for them to build they would have to come back first with their preliminary plat that would have to be approved and then a final plat that would have to be approved.

—:

So we approved the two lots then right now that they would like to build on, not the nine?

Jean Werbie:

We're just approving a neighborhood plan tonight. They need to come back with a conceptual plan for just their particular property, and at that point you can condition that they can only build on two at this time, then prior to the next seven being built that something happens with 48th Avenue or something happens with 89th. Those are typically not conditions of a neighborhood plan but would be conditions of the conceptual plan where these neighbors would get notification again and then we would write that right into the resolution or into the staff comments exactly what they'd be able to do. In fact, we've got direction from you tonight. It sounds like we need to get some more answers before we get to that concept plan stage.

—:

Thank you.

B. TABLED 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, would you like to move this particular item to the end of the meeting? It has a lot of pictures and a lot of slides and we're looking at an item I'm not sure how many folks are here tonight that are concerned about ice machines at the gas stations. It's going to be a long presentation so I'm not sure if you want to move that to the end of if you want to take that up right now.

Thomas Terwall:

What's your pleasure?

Mike Serpe:

So moved.

John Braig:

Second.

Thomas Terwall:

MOTION BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO MOVE ITEM B TO THE END OF THE AGENDA. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF THE FINAL PLAT, ENGINEERING PLANS, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS for the request of Kari Kittermaster agent for Regency Hills-Devonshire, LLC owner for the proposed 63 single-family lot subdivision to be known as Devonshire Subdivision located south of 93rd Street at 48th Avenue.

Jean Werbie:

Mr. Chairman and members of the Plan Commission and the audience. This is a consideration of a final plat, engineering plans and development agreement and related documents for the request of Kari Kittermaster, agent, for Regency Hills-Devonshire LLC. This is for proposed Devonshire Subdivision, 63 single family lots to be located south of 93rd Street at approximately 48th Avenue. The petitioner, again, is requesting the final approval for this plat for the first stage of development. There is a second stage of development that will be proposed sometime in the next couple of years.

In accordance with the Village Comprehensive Plan, the Village Green Neighborhood Plan, which is where this particular subdivision is located, is within a low density residential land use category and lots need to average at least 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. The proposed Final Plat for the Devonshire Development complies with the approved Village

Green Neighborhood Plan and the Conceptual Plan, as well as the preliminary plat, as approved by the Plan Commission and Village Board.

The residential development which is stage 1, this particular subdivision is 89.45 acres of land. Again, the total number of lots within the subdivision is 120. However, this first stage will only be 63 lots. The average lot size is just over 16,409 square feet. Outlots 1, 3 through 6 and 8 are proposed to be used for open space, wetland and woodland preservation. Outlot 2 is proposed to be dedicated to the Village for park purposes. And 7 and 9 are proposed to be subdivided into additional single family lots. Again, this is the big picture and it's the first stage of this particular development.

For this particular final plat the lots range between 15,000 and 21,593 square feet. The average lot size is just under 16,000. Outlots 1 and 3 will be used as open space, wetland and woodland preservation and retention facilities. Outlot 1 is actually located along the eastern boundary of the subdivision, and Outlot 3 is actually along the northern portion of the development site. Outlot 2, which is along the southern portion of this particular plat, it proposed to be dedicated to the Village of Pleasant Prairie for park purposes as part of the Village Green Neighborhood Park. Outlot 4 will be retained by the developer for this stage 2 development. Population projections under stage 1, 172 persons at full build out, 40 school age children or 27 public school age children.

Open space within the development area approximately 19 acres or 62 percent of stage 1 excluding the additional open space for Outlot 4 is proposed to be remaining in open space. This includes wetlands, woodlands, parkland and other open space. A total of 7.81 acres of the entire development site have been field delineates as wetlands as you know. This delineation is good for five years. So for some reason they don't move forward with the next stage of development within that five years they'll need to have a second wetland delineation. There's a small portion, .73 acre of wetlands, that's proposed to be filled for small portions of Cooper Road, 96th and 97th Streets and 50th Court. Therefore, approximately 7.08 acres of wetlands will remain on the property.

The petitioner did receive a letter from the Army Corps of Engineers that stated that the Corps will take jurisdiction over the wetlands and has issued a partial fill permit to them for the filling of some of the wetlands. All of the wetlands that were authorized to be filled will be filled as part of the first stage or first phase of the development.

With respect to woodlands on the property, there was a detailed tree survey that was completed by Natural Resources Consulting. There were some trees that are going to be removed that are in the right of way. However, the majority of the trees are going to be preserved. Those are located in easement areas along the rear of some lots. They're located within Outlot 1. There's a large portion of trees that's located at the south end in Outlot 2 which is proposed to be a dedicated area to the Village. And, again, there's some scatterings of trees through the site that are proposed to be incorporated into the development areas.

The stage 1 areas have been identified on the plat with dedication areas for woodland preservation, and there are some provisions within the declarations that identify penalties or provisions if, in fact, healthy, mature trees that were intended to be preserved are removed. There are some penalty provisions to do some significant replanting in the event that that should occur.

The developer is dedicating Outlot 2 as I indicated which is at the southern end of the site. It's approximately 8.02 acres which includes some woodlands and wetlands. The developer has also offered to donate \$200,000 for park-related improvements in the Village Green Neighborhood Park. You remember several months ago the Village's Park Commission worked with the Plan Commission to help lay out a conceptual master plan for this Village Green Neighborhood Park, and these amenities include softball fields, soccer fields, some tennis courts, play equipment, shelter and parking areas as shown on the slide. In addition, the woodland areas are intended to be preserved and incorporated into the park development along with some walking and bike trails to be incorporated into that development.

This is a pretty large neighborhood park and it will be with the donations and dedications of all the affected developers in this particular area that approximately 24.5 acres of land is being set aside for park development to service this neighborhood area. Other open space, approximately 8 acres of other open space is included within Outlots 1 and 3. Again, these are adjacent to the outlots that have been designated as retention basins for storm water management purposes.

Site access, stage 1 of the development will have a public access point onto 93rd Street at 48th Avenue and one access point to the east at 97th Street that will connect into the Meadowdale Estates Subdivision. Stage 2 of the development will provide for another access point onto 93rd Street at Cooper Road, and there will also be some additional access points at 94th and 96th Streets that will connect to the future Stonebridge Subdivision to the west.

For public improvements, under municipal water, the water will be extended into the development from 93rd Street throughout the development and to the municipal water connection in 97th Street and the south of this development. Municipal sanitary sewer will be extended from the existing sewer located at the intersection of 48th Avenue and 93rd Street. It will be extended throughout the development and into the sanitary sewer in the Meadowdale Estates Addition #1 Subdivision at both 97th Street and through an easement on lots 19 and 20 on Outlot 1. Storm sewer will be provided throughout the development and retention facilities will be located within Outlots 1 and 3.

The next item is roadway improvements. We've had considerable discussions and presentations regarding these improvements so I'm just going to touch base on them again one more time. Cooper Road is a local arterial roadway. It will be designed with a 49 foot wide back of curb to back of curb urban cross-section roadway profile within an 80 foot right-of-way with a five foot wide side walk constructed on the east side of Cooper Road. This Cooper road extension will be from 93rd Street all the way south to the Village Green Neighborhood Park. Cooper Road will be dedicated and constructed in Stage 2 development. Again, it is anticipated at this time 2009/2010.

With respect to 93rd Street, it's classified as a local arterial street. The long-range plan identifies that 93rd Street shall be widened and improved for increased roadway capacity when traffic counts warrant that improvement. As part of the Conceptual Plan approval, the Board had required that a detailed traffic study be completed and a profile for 93rd Street was developed. It turned out to be an intersection at Cooper Road which was a roundabout being proposed and a three lane profile on 93rd Street.

The developers had contracted with Wayne Higgins with Traffic Engineering Services, Inc. to prepare that report. The current traffic counts are 2,500 trips per day west of Cooper Road and 2,100 trips per day east of Cooper Road for 93rd Street and 2,600 trips per day for Cooper Road north of 93rd Street. The proposed traffic counts in the year 2016 are 5,733 trips per day west of Cooper Road and 6,041 trips per day east of Cooper Road for 93rd Street, and 8,000 to 9,000 trips per day for Cooper Road north and south of 93rd Street. So, as you can see, in approximately 10 years or less there will be a significant increase in traffic in this particular area. Based on the projected traffic then, a single lane roundabout was proposed at Cooper and 93rd, and projected traffic counts warrant a three lane urban profile roadway which is one travel lane in each direction with a center lane for turning movements.

The long-range plan for 93rd Street, on March 5, 2007 the Board approved that the following improvements for 93rd Street would be completed at the time that Cooper Road is paved south of 93rd Street which would be during that second phase of the required improvements of stage 2 of Devonshire. A single lane roundabout at Cooper Road rather than a typical signalized intersection would be constructed. The signalized intersection would cause a little bit of problem at this location so it was decided that a roundabout would be used. The roundabout is proposed to be 120 feet in diameter which will allow for semi-trucks, fire trucks, school buses, garbage trucks, snow plows and maneuvering space along with a 25 foot diameter green space island which would be constructed in the center.

93rd Street eventually would be constructed as a three lane urban profile roadway. This would allow for two 12 foot wide travel lanes and a 14 foot wide center turning lane. The design would allow for easy and safe access to the existing residential homes that will have driveways on 93rd Street because of the designated center turn lane.

The intersection of 93rd Street and 48th Avenue would provide for a stopped condition on 48th Avenue, not on 93rd, which slight tapers on 93rd Street. The traffic report indicated that a four way stop at 48th Avenue is not warranted. Since a three lane profile will be constructed on 93rd Street, the intersection would not need to be widened even though slight tapers would be provided for right turns onto 48th Avenue. These tapers would likely be located within the existing right-of-way.

The full improvement of 93rd Street as a three lane urban roadway will likely be constructed at the same time that the roundabout is installed at Cooper Road and 93rd Street provided that all municipal improvements are installed within 93rd Street. In other words, we're not proposing to widen 93rd until we know that all the improvements, sewer and water and such, are installed or proposed to be installed in that roadway.

The cost for improvements to 93rd Street are proposed to be shared by the future development of the lands north and south of 93rd Street from approximately 63rd Avenue to 48th Avenue. The roundabout at Cooper Road and 93rd would be constructed as part of the second phase of the required public improvements of the stage 2 of Devonshire. The cost for the improvements for the roundabout is proposed to be cost shared equally between the Devonshire and the Stonebridge Subdivision development. In addition, the Village has now applied for grants to the Wisconsin Department of Transportation to assist in the project cost of both 93rd Street as well as the roundabout. We are still waiting to hear from the State as to whether or not we have been successful in that grant this cycle.

The interim plan for 93rd Street, on March 5, 2007 the Board approved that in the interim, and with the stage 1 of the Devonshire Subdivision, 93rd Street would remain a rural, two lane roadway. Cooper Road will remain a three way stop condition. 48th Avenue would be constructed with minimal tapers for right hand turn lanes, and the existing driveways on 93rd Street at 48th Avenue could remain. So those are the two driveways on either side of 48th Avenue that had been of some concern earlier in our discussions. When 93rd Street is widened to three lanes, some existing utility poles will need to be relocated and possibly some trees might need to be relocated adjacent to the roadway.

Temporary cul-de-sacs will be required to be installed by the developer in roadways that are proposed to be extended in the second stage of this development. Therefore, temporary cul-de-sacs will be required for this stage of development at the terminus of 96th Street, 49th Court, 51st Court and 97th Street. There was one typo in the staff comments. The temporary cul-de-sac can only be removed and an easement vacated when the future development is proposed to be extended. The temporary cul-de-sac will meet the Village's specifications except that no island would be required. The cul-de-sacs are not required to be paved and there would be curb and gutter. The developer would be responsible for the installation of the temporary cul-de-sacs, and the adjacent property owner would be responsible for the removal of the easement and temporary improvements when the land is proposed to be developed. The temporary cul-de-sacs will need to be removed when the second stage of the development moves forward.

For construction access, a 93rd Street construction access for the installation of public improvements and house construction shall utilize the existing driveway and the extension of this gravel driveway, known as a haul road, within Outlot 4 through Lot 89 in stage 2 as shown on our engineering plans. 48th Avenue and 97th Street shall not be used as construction equipment access roads for public improvements or heavy housing construction equipment in order to build the single family homes. Construction equipment will be allowed at the 48th Avenue intersection at 93rd Street when underground utilities and roadway are being constructed at that location. All grading required for 48th Avenue behind the curb will be done within the existing right of way and no grading will need to occur on the adjacent properties.

There were a couple of neighborhood matters. I had a property owner come in to ask me some questions last week and I did get some responses from the developer and I just want to address a couple of those concerns. The first is to provide an exhibit showing the construction access road for both public improvement construction as well as house construction vehicles, and I just referenced that discussion in 48th Avenue, that they are providing an exhibit so that 48th Avenue between the Safran and the Miller homes is not going to be used as a construction location. So they did provide an exhibit.

Number two, the property owners were concerned about the grading at 48th Avenue since there were some trees that align the 48th Avenue area, and we're having them make some modifications on their erosion control plan to silt fence and fence that area outside of the drip line of the trees to protect those trees during construction. Even though the trees are not in the right of way, we wanted to protect as much of that area as we could so that they're not damaged during construction.

Another question was regarding the Miller driveway. This is the one of the west side of 48th Avenue just south of 93rd Street. There was a question as to whether or not that driveway was going to be relocated at this time or subsequent at a later stage, and the answer is that they're going to be continuing discussions with the Miller family. It's not going to be relocated at the stage 1 of development but possibly at stage 2. But they need to have some further discussions as to the timing and relocation of that driveway.

There was a question that was raised regarding the structures and barns on the Miller property behind their existing homes in the property that was acquired by Devonshire. Have permits been applied for to raze these structures? The structures and barns behind the Miller farm will be razed when the contractor is going through the clearing and grubbing on the site. They are in the process of applying for those razing permits from the Village.

There was finally a question with respect to that shed area, a small shed that is at the very southwest corner of Mr. Safran's property adjacent to 48th Avenue. There's still a small area of the shed that overhangs onto what Devonshire identifies as Lot 29 and they wanted to know how that was going to be handled. There was still some discrepancies between the surveys. I guess I can have the developer's representative respond to that. But in the short term the staff felt that there needed to be some type of overhang easement that's granted for that small area. I don't know if it's six inches or eight inches that overhangs onto the adjacent property so that there aren't any issues with respect to Lot 29 owners and the Safrans at a later date. But they can address that.

And, finally, there was a fiscal review discussion and analysis that was done on this particular property. The four points are covered below for you. The first has to do with a cost sharing agreement for police, fire, EMS and public works. In addition to the impact fees at the time of building permit, the developer has agreed to a cost sharing agreement to donate \$891 per housing unit as a cost sharing contribution for each of the residential units within the development to address current shortfall in funding and fees for the services that I discussed. This cost per residential unit will be made payable to the Village at the time of the lot sale. Only one of these payments is due per residential unit. It's not with each new owner.

The second is a park donation agreement. The developer has agreed to donate about 8 acres of parkland which is Outlot 2 for the Village Green Neighborhood Park. In addition, they will grade and stabilize this area, and they've indicated that they have agreed to donate \$200,000 for park-related improvements for the development of this park. That monetary donation will be made at the time of stage 2 of this development.

The third is the 93rd Street transportation improvement cost sharing agreement. The developer has agreed to a cost sharing agreement to provide transportation improvement funds payable to the Village for the costs associated with public transportation improvements. And this is to improve, widen and upgrade 93rd Street. It's estimated at \$2,248.77 per lot, and it's a per residential unit payment that would need to be made at the time that they close the lot sale and that payment does need to be made to the village. If for some reason they close and there's not a transfer, we've identified that whenever there's a fee interest transfer that's when that payment needs to be made to the Village. These funds will be placed in a separate segregated account specifically for the improvement of 93rd Street.

And, finally, the 93rd Street/Cooper Road roundabout improvement cost sharing agreement. The developer has agreed to cost share the transportation improvements to the Cooper Road roundabout. As you know, that estimated cost is extensive for the roundabout, \$225,237.56. We have, again, applied for a grant for a portion of those costs and this would be a cost share between this developer and the Stonebridge developer to the west.

With that this is a matter for public hearing. This is a project that has been before this Plan Commission several times. We're confident that all of the questions have now been answered at this point and this is a matter for public hearing.

Thomas Terwall:

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

Steve Ennis:

Good evening. My name is Steve Ennis and I'm here for the Miller family who owns 4825 93rd Street. Jean, that was a very nice presentation. It did answer a lot of my questions so thank you very much. I was just wondering if you could clarify for me or show me where this gravel access road is because I don't really know the lots.

Jean Werbie:

There's an arrow that is shown on the slide towards the top. It would come off of 93rd Street through this lot and then come down. Then they'll have to come down and through and then into their development. But the intention was that they were not going to be using this location, that they would come through at that location. Again, with the next stage it might change. It could actually change to Cooper Road or to another location.

Steve Ennis:

Okay, thank you very much. And the second question I had was the driveway. You know which one I'm talking about. I just wanted to get clarification that it's not going to have to be moved in stage 1 and it may not have to be moved in stage 2? That's kind of up to the property owners?

Jean Werbie:

Definitely with Stage 1. I think with Stage 2 when we have more detailed, definitive designs and detailed engineering plans for 93rd Street I think seriously we need to take a look at that to see if that's going to be an issue or not an issue. Again, that's going to be a travel lane and the turn lane is actually going to be in the center. So for safety and the safety for is it your mom or mother-in-law?

Steve Ennis:

My mother-in-law. I'll be living there probably by then.

Jean Werbie:

Okay. So whoever is traveling there you're still going to have I believe a secondary western driveway on 93rd?

Steve Ennis:

Yes.

Jean Werbie:

But it's likely that this driveway will need to access off of 48th. And I think you're going to find it's much safer traveling in and out of that driveway to do that.

Steve Ennis:

Okay, I'm very glad to hear that. My only concern is that driveway facing east. If the east driveway is moved to face east, and we originally talked about it being a four way stop sign. If it's not a four way stop sign that driveway is too close to 93rd Street where if somebody is coming east and turning south they'll just come around that corner really fast. If I'm exiting that driveway that won't be as safe as if I was existing out the current driveway. I can see left and right up and down 93rd Street for a long ways. If that driveway has to come out east and there's no stop sign on 93rd Street, and I understand why that's not going to be there, a car turning around that corner to the right could be coming around that corner really fast and I won't see him if I'm existing that driveway. So that's my safety concern.

Jean Werbie:

Are there trees or anything that would block your vision?

Steve Ennis:

For example, that driveway I think we talked about it in July of last year that driveway is only 70 feet from the corner, and that's like a lot less than the requirements. So the requirements are there for safety. And if it's that much closer, I think it's supposed to be 100 or 150 feet?

Jean Werbie:

Desirably 150 but 100 is acceptable. I think we're going to need to look at it once we have the detailed plans for 93rd and then sit with the property owners to see what would be the safest situation for them. I think that if the connection was close to that intersection I think that that would be a problem. If it came further south on 48th at some point that was desirable I think that might be better for them. But I think we really have to wait until we have the designs for 93rd Street completed in the next couple of years and then revisit it. So I think we have to leave it as an open issue until those plans are completed.

Steve Ennis:

Yes, I agree. And then the tapers there's another development down the road to the east and they have two entrances, Meadowdale Farms, and they don't have any tapers going into that driveway. It's just a corner. I'm just curious whether there's been any problems, any accidents? Is that a concern? Or, why do we need those tapers on 48th that's going to cut across the driveway? Why can't it just be a corner? It's the same intersection as Meadowdale. It's not the primary entrance, it's the secondary entrance.

Mike Pollocoff:

At that time the County didn't require them. Why they didn't look at it, I think we recommended it and it just wasn't placed on that. Back then that was a County road.

Steve Ennis:

I was just curious whether there was any trouble there, whether there's been people getting rear ended or anything.

Jean Werbie:

The other thing is when we re-look at all of 93rd from 39th Avenue all the way to 63rd, I mean we'll probably look at every single driveway and every single public roadway connection to see if it warrants any changes to that intersection.

Steve Ennis:

Especially with that middle turning lane that's going to alleviate I would think the need for the taper around the corner.

Jean Werbie:

It might.

Steve Ennis:

Thank you all very much. I appreciate it.

Thomas Terwall:

Thank you. Anybody else? Anybody else?

Walter Safran:

Good evening. My name is Walt Safran. I'm at 4733 93rd Street and we are the property owners on the northeast corner right into Devonshire, lot 29 and on the east side of 48th Avenue. Last week Monday we did have a meeting with Ms. Werbie and Mr. Dave Goff. A lot of our questions about grading and the surrounding areas of 48th Avenue and lot 29 have been answered.

I want to thank Ms. Werbie and the Village staff for all the work that they've done in resolving a lot of issues that we had and concerns. And also Ms. Washburn for easing our minds with concerns about 48th Avenue and surrounding areas.

One of the other things that I do want to say, though, is between our south yard and our west yard there are no buffer zones between our property and the Devonshire property. We have common property lines, lot 29 and 48th Avenue. I just want to respectfully request that through Mastercraft and the developer that they work with us to develop the final grade to blend into our south and west property lines for water drainage and also for property protection. Thank you.

Thomas Terwall:

Thank you. Anybody else? Anybody else? Hearing none, I'm going to open it up to comments from Commissioners and staff.

Jean Werbie:

I just wanted to ask the developers if you had contacted Mr. Safran. Did you talk about that overhang with an easement and that was acceptable to him?

Nancy Washburn:

Yes. Nancy Washburn, Regency Hills Development Corp. I met with the Safrans on Friday. I stopped by and I was there for about 45 minutes and we talked about a number of things. And, yes, we explained to him that we were placing a deed restriction on lot 29 that allowed the overhang until such time as the shed is removed by them or materially destroyed. They thought that was acceptable.

Thomas Terwall:

Jean, with respect to that, is there not a variance issue as far as the Village is concerned also that would have to be addressed?

Jean Werbie:

It's a pre-existing situation and it pre-dates 1959. I'm not sure when the division—when did the division occur? Do you have any idea?

Nancy Washburn:

The original land division from the bulk of the Rumacheck property was done many, many years ago. The variance would be to the Safrans I would think because their shed is legal nonconforming. So, therefore, Mr. Terwall, when that shed, again, is destroyed by fire or an act of God then it would not be able to be rebuilt in that exact location. I might also add that as of today the Safrans have a reservation on that lot so it could be, in fact, that they become the owner of that lot as time moves on. So they would have to variance themselves. Again, I think we're working in great cooperation and I don't see any reason why we need to take it any further.

Thomas Terwall:

Thank you. Jean, my second question is with regard to the payment that will be due according to what we have here, Item 3, it says that the fee interest title of the lot is transferred to a new owner or as a condition precedent to the issuance of an occupancy permit, whichever occurs first. Why would you use an occupancy permit and not a building permit?

Jean Werbie:

Well, because in this situation Mastercraft is the owner and the developer and the builder. And so they may or may not transfer by selling the lots to another party. If they decide to use a home as a model home and they own that lot and they built that home and they keep that home, there would never be a fee interest transfer. I learned on Friday from Nancy that's usually not the case, that they typically will sell it from one arm of their company to the other real estate interest of their company. However, I felt that in the case that they wanted to keep some homes under their same developer head ownership that occupancy permit would trigger a change. We don't typically trigger it at building permit but typically at the lot sale or an occupancy.

Thomas Terwall:

But because Mastercraft is going to develop all the homes the ultimate sale of the home will be done by Mastercraft, is that correct?

Jean Werbie:

That's my understanding.

Thomas Terwall:

I just don't want to have us get into a situation where we have a home buyer who is all of a sudden caught with this and didn't have any idea this was coming. I want to make sure that that doesn't happen.

Jean Werbie:

Right. And that's why it's typically at most subdivision done on lot sale. So at the time of the closing it's an itemized item on their closing papers and it's paid right at closing paid to the Village. But in this circumstance because they're building them they may retain some. I'm not sure, but we felt that prior to occupancy that would be another way to trigger it.

Nancy Washburn:

She was being nice. You're still going to get your money.

Thomas Terwall:

Anything else?

Mike Serpe:

Considering where this has been in the past or where it's come today I think it's again a fine piece of work between the neighbors and staff and I'd move approval.

Jim Bandura:

Second.

Wayne Koessl:

Subject to the staff conditions?

Thomas Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE DEVONSHIRE FINAL PLAT, ENGINEERING PLANS, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Scott Simon, agent for Pleasant Prairie Ventures, LLC for property generally located at the northeast corner of STH 31 and STH165 for the proposed commercial development to be known as Main Street Market.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, you have before you a request for a Conceptual Plan at the request of Scott Simon, agent for Pleasant Prairie Ventures, LLC. This is for the property generally located at the northeast corner of Highway 31 and Highway 165. It's for the proposed commercial development area to be known as Main Street Market.

The petitioner is requesting approval of a Conceptual Plan for the proposed Commercial Development of the 22.5 acre property generally located at the northeast corner of Highway 31, between 31 and Old Green Bay Road north of Highway 165.

Under Village comprehensive compliance, in accordance with the Village Comprehensive Plan, the property is located within the Highpoint Neighborhood Plan and has been identified to be developed as Community Commercial area. 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 Main Street Market Conceptual Plan complies with the Comprehensive Land Use Plan and the approved Highpoint Neighborhood Plans.

The Conceptual Plan development. Over the past four years the staff has been working with the developers to prepare a detailed Conceptual Plan for this commercial area which was based on the Village's Comprehensive Plan as first adopted in 1996. The site plan as submitted is the direct result of pooled resources including members of the municipality, market researchers, retail brokers, architects, engineers, landscape architects, and general contractors. The culmination of these resources has resulted in a site plan that balances the competing interests of the various stakeholders and results in a retail development that will serve the residential, commercial and industrial residents of the Village of Pleasant Prairie and be a signature element on the landscape of our community.

The developer and the Village staff have worked closely together with the Wisconsin DOT to prepare a detailed Traffic Impact Analysis known as a TIA to include as part of this proposal a new signalized intersection which is Main Street that will provide a vital link between Green Bay Road, which is Highway 31, all the way to the Village Center at 39th Avenue. And this is shown in the adopted Highpoint and the Village Green Neighborhood Plans. Main Street will serve as the primary route to the future Kenosha Unified Middle School site, which as you can see on the slide is that area that is identified in blue almost in the center of the Highpoint Plan. There's a Community Park site that's located just north of the Middle School site, and a local street connection will connect both this development as well as Village Green.

The viability of Main Street Market as a signature retail destination has been significantly improved by the addition of a new signalized intersection at Main Street and Highway 31 by creating a four legged intersection with the existing north terminus of Jelly Belly Lane on the west side of Highway 31. This signalized intersection will provide critical traffic relief on Highway 165 that will allow for the corridor to be reduced in magnitude from the four lane divided highway to a more desirable low speed roadway similar in scale to the segment constructed as part of the Village Green Subdivision.

So what it's done is it's reduced or shrunk the size of the roundabout at Old Green Bay Road and 165 and it's also actually reduced the roadway section on 165 and decreased the turning movements on Highway 31. So because of that connection it's actually going to allow for a greater viability of movement throughout this area and to different traffic points and to get some of that traffic onto the frontage road which is Old Green Bay Road which can go north and south. As identified on the slide the circle is the new intersection which is across from Jelly Belly Lane.

Main Street Market development includes 148,600 square feet of retail space on 22.5 gross acres comprised of the following uses as identified on the slide. Certain retail uses proposed include a bank, which is proposed at 7,200 square feet, a day spa or salon at 8,000 square feet, gas or convenience store at 5,000 square feet, a grocer at 60,000 square feet, a pharmacy at 15,000

square feet, restaurant/specialty coffee and other such stores at 23,500 square feet, and tenant retail stores with varies sizes at just under 25,000 square feet.

Main Street Market is organized around a central entrance that acts as a focal point for the development. With a new urbanism approach, the main entry drive at 102nd Street is designed as a street with the buildings placed at the street edge. Again, 102nd Street is the street that come right out of the Meadowlands development. Parallel parking and ample areas for plantings and streetscaping are present along the boulevard and entrance. The boulevard terminates at a small plaza that will serve as an amenity to the adjacent tenants as well as the pedestrians.

The site has been designed so that the activity of the site can be viewed for outside the development while still providing for intimate spaces within. In addition, the buildings have been thoughtfully positioned to provide for easy access to the retailers with short walks from the parking areas and the ability to make more than one stop without moving the car.

The architecture is tall enough to define the street edge, but has been broken up into human scale elements. Outdoor seating areas, anticipated for use by restaurants, have been planned at the end caps of the buildings creating another opportunity to engage the buildings with the site. Two additional access points off of Old Green Bay Road flank this main entrance to help alleviate traffic congestion problems. Building and site features have been utilized to effectively terminate each of these secondary drives.

The building design of Main Street Market is dominated by natural materials that reflect the prairie style character of the area. The tones and textures speak to some of the natural features of Pleasant Prairie. Various elements of historical architectural styles have been incorporated into a design that expresses the architecture of today. Ultimately the buildings express the heritage of the community as well as its ability to look to the future.

I'm sure that they're going to be going through some of these boards, but as you look at some of these slides and the information in your packets, immediately when the staff saw the character and the design of some of this architecture, we felt that this would be a great fit for Pleasant Prairie. Sometimes we get some projects presented to us that just don't fit in with our community, our character, and what so many people have talked to the Village staff about with respect to having some retail in the community that serves the community as well as the corporate park and the traveling public, but it can fit into our character without it looking out of place. And we really feel that this type of architecture really captures that feel and we felt that from the very beginning.

The other thing that we had indicated to them is that we did not want to be in a situation where all the buildings were identical. It's one thing to carry a similar theme or architecture or materials but we didn't want everything to be exactly the same. We wanted to introduce some unique elements to each of the signature buildings that they have there such as a grocery store or another store at the very, very south end. We wanted to make sure that there were some unique elements for each of the buildings. Again, I'm just going to get through our staff presentation, but we'd like to have them do a further discussion as to how we got to this point.

One of the other side notes I'd like to add is that a number of residents over the last three years have indicated that it's taking too long to bring commercial development to Pleasant Prairie. But,

trust me, we've been working with this developer and his team for it seems like six years now on trying to put this package together. Some of our initial thoughts would not have gone to this extent. I don't know that we could have come up with this quality of a product if we had tried to slap or put something together too quickly without having the market develop, having the amount of new housing come into this community, and to hear more about what the community is looking for. So it pays to be deliberate and to wait for the quality of development as to hurry up and get something in for the sake of just getting new development into this community.

Thomas Terwall:

Maybe we could introduce these folks to the people at Target. There might be some benefit in that.

Jean Werbie:

The next element I'd like to talk about is the traffic impact analysis. The TIA has been submitted to the Wisconsin DOT along with a brief summary of the suggested interim improvements for the 165. The TIA is a result of numerous efforts throughout the past four years to minimize the scope and costs of roadway improvements required to serve the planned residential, institutional and commercial growth anticipated in the Highpoint, Lakeview, Lakewood, and Village Green Neighborhoods over the next 20 years.

The TIA was prepared based on the addition of two new signalized intersections to Highway 31, one at Jelly Belly Lane/Main Street and one at 108th Street to the south. The new intersection that is part of the Main Street conceptual plan will serve as the western terminus to Main Street as envisioned in the recent revisions to the Highpoint Neighborhood Plan.

In addition to the intersection improvements, the widening of the adjacent roadway segments has also been identified as necessary in the design year as part of the Wisconsin DOT Highway 165 Corridor Improvement Project.

Off-site improvement plans, preliminary off-site roadway improvement plans have been prepared for portions of 165, Main Street, Highway 31 and Old Green Bay Road, and these have been based on the recommendations in the TIA. These plans have been used during the master planning of Main Street Market to design the site with the future Highway 165 and Old Green Bay in mind.

The inclusion of a signalized intersection at Main Street and Highway 31 has resulted in a significant reduction in the scope of the roadway improvements, and these improvements are through a design year of 2027.

Old Green Bay Road has been designed to provide the necessary thru and turn lane configurations that were identified in TIA without over building the corridor. A multi-use lane or shoulder has been provided to allow cyclists a dedicated travel lane and to provide for additional width for motorists. Roadway widths such as proposed for Old Green Bay road have resulted in lower travel speeds while making the pedestrian and cyclist environment safer and more inviting.

Main Street Market is proposed to serve as a neighborhood destination for the surrounding residents and Industrial Park users who will be able to travel to the site on foot but most likely by car, but at least it will be close for them to travel to.

It is anticipated that interim improvements will need to be made to Highway 165 between Highway 31 and 65th Avenue in order to accommodate the full build of the proposed Main Street Market in advance of the Wisconsin DOT Highway 165 corridor improvement project. A memorandum prepared by Traffic Analysis & Design, which is the consulting engineer, has been included in this submittal to summarize these interim improvements.

The Village will need to enter into a Development Agreement with the developer and will be required to enter into a Memorandum of Understanding with the Wisconsin DOT related to any public improvements required for the project. The Development Agreement will secure the financial aspects and well as specify the terms of construction and the phases of construction. Further discussion is warranted with the developer, the DOT and the Village so that we can finalize these agreements.

The zoning classification and the existing site, the properties are currently zoned R-4 (APO), Urban Single Family Residential District with an Agricultural Preservation Overlay District. In addition, the properties have no wetlands, 100-year floodplain, shoreland areas, environmental corridors or woodland preservation classifications.

There is an existing single family home and a number of accessory structures on the property that are proposed to be razed. The existing structures are currently located in the vicinity of the parking area south of Building E. The developer is discussing the possibility for the Village Fire & Rescue Department to use the building and the structures for fire training exercises. The developer has put the tenant of the house on notice of their intent to raze the building and their need to remove the junk and debris from the property. The developer has also given the tenant 90 notice to vacate.

There were some trees that were adjacent to the existing house have been removed from the site. Prior to the removal of the trees the developer inquired with the Village regarding any permits to remove the trees. The Village staff informed the developers to work with the environmental features including trees on the sites where they could. Preserving trees in residential developments is easier than in commercial areas. In this particular circumstance all the trees are not possible or practicable to be saved due to the nature of the commercial development and the topography in particular on this property. In addition, the Village can only regulate tree removal in those areas that are zoned C-2, Upland Resource Conservancy District. Since these trees are located on private property, are not located within a protected conservancy district and the Neighborhood Plans dating back a number of years and the Comprehensive Plan dating back to '96 approved by the Plan Commission and the Board indicated that these trees would be removed the staff authorized the trees to be removed so this project could continue to move forward in a timely manner.

Zoning map and text amendments, the properties will need to be rezoned pursuant to the Comprehensive Plan and the Conceptual Plan into the B-2, Community Business District. Any rezoning of any parcel within the Agricultural Preservation Overlay will need to be in accordance

with 91.77 of the Wisconsin Statutes. The Village Board may approve petitions to rezone these areas of exclusive ag land only after making the findings as listed below:

1. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
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.
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.

The development is proposed to be developed as a PUD since it is the developers intent to develop the property with more than one structure per property. Developing the site as a PUD will offer some flexibility to the developer with respect to dimensional setbacks and dimensional requirements of the Village's Zoning Ordinance. The staff will be able to develop the detailed PUD for this particular property as we continue to move through the project and approval process. They are preparing detailed architectural design guidelines which will be the basis for their commercial restrictions and covenants for this particular development. I don't believe it's their intent to develop all of the structures on this property but to set forth the guidelines and the framework so that when the project is built out it will develop as a unified business development for the community.

As identified in the staff comments there are some variations to the zoning ordinance, and some of those identified include that the developer is requesting to develop multiple buildings on the properties. Next, there will be some variations with respect to setbacks for Buildings A, B, H, J, K and L, and the staff comments identify specifically the variations to the setbacks. Again, with this comes some requirements for increased architectural standards, increased landscaping and other provisions so that it doesn't appear that our structures are too close to the adjacent highways.

The developer is also requesting to construct one building that is approximately 3,800 square feet and another building that is approximately 60,000 square feet. In that B-2 District we have minimums of 4,000, maximums of 25,000, but the varied size of the proposed uses we found to be quite attractive and we don't want to limit any uses on this property because of the size of the building.

The developer is also requesting that fire lanes adjacent to Buildings G, H and J to be only 18 feet wide but they would be one way and a one way direction. So this is something that has been discussed with the Fire Chief and he is agreeable to this, in fact, because they are one way roads. If they were two way then they would be required to be the minimum 32 feet in width. Finally, the developer is requesting that the parking areas between Buildings K and L are proposed to be located approximately 12 feet from the property line adjacent to Old Green Bay Road.

Under certified survey map, two lots are proposed to be created with this development. Main Street is proposed to be dedicated to the Village and will create one parcel to the north and one parcel to the south. Site and operational plan approval will be

required and compliance with the ordinance requirements will be in order. My understanding initially was that they were looking for obtaining a preliminary site and operational plan approval to start some mass grading and some site infrastructure earlier this fall. We need to have some discussions with them if that is still their intent to do that.

With respect to the project time frame, it's the developer's desire that the preliminary construction activities associated with the development could commence as early as fall of 2007 along with the site grading and underground utilities in order to have tenant occupancy space for Buildings A and D in the fall of 2008 in advance of the Christmas shopping season. It is our expectation that portions of the off-site improvements would be constructed at the same time and coincides with a similar completion date including landscaping and related signage. These time frames are dependent on the requirements of the Wisconsin DOT and the proposed phasing and cost sharing of the adjacent roadway improvements.

With that, I'd like to introduce the developers to go into a little bit more detail. Again, the staff is very excited about this project because our Main Street development will be bookended with two wonderful commercial developments, Main Street Market on the west end and Village Green Center on the east end which will provide a great opportunity for not only the two square miles of residential development but the entire community who need to travel and get to commercial retail services. Instead of having to travel into the City of Kenosha or south of the border they'll be able to start getting some of these essential services right in our own community.

Thomas Terwall:

Who is going to begin?

Ed Ross:

My name is Ed Ross. I'm with Epstein Uhen Architects. We're working with the Simon Group on this project. It's been a long road kind of working with a lot of people involved in the project, the Village, market research, the owner of course. We went through a number of plans to come to this conclusion. It's a very complex site. We've got a highway that's got major improvements or off site improvements going on around that affect the site directly. We've got a site that's at a slope that requires us to put water detention and quality pond in one very specific location because of that. And it's a corner that, of course, most retailers want. What we also had to look at is what retailers want, because in order for this project to be successful we've got to get the quality retailers to come here and give them what they need.

So what we've done is we've created multiple buildings here that play off of two axes, one is 102nd Street which is really the main entrance into the site. The other is a north/south that connects the two ends of the site from the grocer down to the pharmacy and bank on the other end. What we've tried to do, too, is integrate the buildings with the site by creating outdoor spaces that the public will use and be seen in, create some activity and excitement. We've tried to do that on most of the end caps of the buildings. You'll see the two entranceways. In fact, there's a rendering that shows that right there where we're showing umbrellas and stuff. We would envision those end caps to have some use, probably a restaurant. That's what restaurants usually like to have, the end caps.

We also provided the site, like I said, we broke up the buildings into smaller buildings to create site lines from Highway 31 and 165 into the site allowing the anchor tenants such as a grocery and a pharmacy the primary site lines which we hope will invite them to come to the site initially and really create the spark for the rest of this.

As far as the building materials, we've tried to use what we call natural materials, clay, brick and stone, stuff that's got a quality of substance to it. It really creates a kind of a warmth. And we'll use that in combinations with some other materials that are really accents. We've also created certain pieces of the buildings which this is a good example. That corner of the building, this is the grocery store, is the terminus of one of the streets. Some of the other buildings, it's hard to see, you can see it on the site plan here, there's two secondary entrance points that go directly into the parking lot. There's one and then there's one further north there. And at the end of each of those you'll see there's a building. So we're trying to create a sense of space with those buildings. That's a good opportunity to identify the site.

We've also added a couple of towers to the entry buildings that we're hoping would be visible from all points on the site. This in the lower right hand corner is one of those towers which would we're hoping probably have some signage related to the property on that tower, but it creates some identity and someplace for people to look back and understand where they're at. The parking lots are also situated, too, so that people can park in one lot and visit a couple stores. We realize that most of the traffic here is going to be vehicular so we're hoping that people once they're on the site will walk to and from and that's another reason for the outdoor spaces. With that I'll open it up to questions.

Jean Werbie:

I also wanted to mention that Main Street from 39th Avenue all the way to this point will have sidewalks, so there will be an opportunity at least from those two square miles that people can walk. I'm not so sure that they're going to walk from the industrial park unless we can create a safer way for them to get from one side of Highway 31 to the east side, but certainly the residential areas in proximity including even going north into the Whittier Creek neighborhood area they could easily walk or bike to this particular area.

Ed Ross:

And I guess I would say that we tried to put the buildings closer to the sidewalk. It feels like a more urbanesque kind of approach to the project. It tends to enliven those sidewalks a little bit more. They're closer to the action.

Thomas Terwall:

Thank you. This is a matter for public hearing. Is there anybody wishing to speak on this matter? Scott, did you want to add something further?

Scott:

No, but if there are any questions we're here and available to answer anything you may need.

Thomas Terwall:

Thank you. Is anybody wishing to speak on this matter? Anybody wishing to speak?

Jean Werbie:

The staff received two pieces of correspondence regarding this project. I'm sorry, three. The third one is from Scott, but two pieces of correspondence. The first one starts out: "Hallelujah! I was thrilled to receive the notice regarding the proposed commercial development located at the corner of STH 31 and STH 165 to be known as Main Street Market. I'm especially excited about having a grocery store at that location! A day spa, restaurant and specialty coffee shop would be very nice too. A book store would also be great! I live very near by, in the Trillium Condominiums at the Meadowlands, but I work in downtown Milwaukee and this would make my life so much easier! Perhaps an upscale version of Pick N Save like the Metro Market style, something with foods that are already prepared, delicious and can be purchased in small amounts? I believe there are a lot of busy single people and small families living in the condominium complex across the street that would benefit greatly from a similar type of store as well. I see this proposal as a win win situation for everyone! Thank you! Judy Kuyawa." K-U-Y-A-W-A.

To be honest, I have received several phone calls over the last couple of years regarding individuals asking for the same thing.

But the second letter the individual feels differently. This one is dated May 6, 2007. "I am writing to express my disapproval and unhappiness for the proposed Main Street Market Concept Plan which a public hearing is scheduled for on Tuesday, May 29, 2007. Unfortunately I will be unable to attend the Public Hearing so I am writing to express my concerns with this proposed project.

"I live at 6846 102nd Street, Unit B, one of the condominiums in Meadowlands Villa directly east of this proposed commercial development. I have lived at my preset (sic) location since 2003 and have always enjoyed the peace and tranquility of this rural type setting. This was a residential area when I moved here and I prefer to see it stay the same. The proposed development, in my opinion is much too large and will diminish the values of all of the residential homes in our subdivision. This proposed development will cause heavy traffic and congestion in our area, especially at the entrance to my subdivision, 102nd Street and at the intersection of Old Green Bay Road and at 104th Street. Old Green Bay Road is much too small of a highway to accommodate the heavy traffic that this development will bring.

"I have a few questions about this project." And maybe the developer could answer these. "What is the property currently zoned and what is the possibility of there being liquor sold in this development, either in a grocery store, package good liquor store or at a gas/convenience store? The sales of liquor this near to a peaceful residential would eventually cause problems in the neighborhood.

"I can understand that the Village is interested in the revenues which this development will bring, but I feel strongly that this is not the right location for such a development and it would have a total negative impact on the surround area, especially my subdivision.

“Our area and entrance to our subdivision has already been negatively impacted by the removal of a large number of mature trees on the property in question. Does the Village not require a permit for removal of these trees. It appears that the developer is moving ahead prior to the Public hearing and approval of the project by the Village.

“Please accept this letter as my opposition to this proposed development. And this is signed Tiffany Taylor-Spiller.

Thomas Terwall:

Do you want to respond to any of those, Scott?

Scott Simon:

Yes, the one question that sounded like it was outstanding on there was whether or not there would be a liquor license. In order to attract a lot of the top grocers and top retailers a liquor license would probably be part of that package. We have not set anything definitively yet, but I can only assume that that is something that they would request.

John Braig:

Have you been in discussion with the grocers?

Scott Simon:

We’ve had preliminary discussions with Roundy’s for their upscale Pick N Save. We’ve also had some discussions with the Balestreri family. Both are in very preliminary stages right now.

Thomas Terwall:

Thank you. Is there anybody else? Anybody else? I’ll open it up to comments from Commissioners and staff.

Donald Hackbarth:

I don’t know how to say this because I don’t know what page this would be on. Is there any way on the blue sheet to put numbers on the top of the pages where it would just be real easy to say header page number. This would be page number 3 where you’ve got the uses there with the box. Down there it says the tones and textures speak to some of the natural features of Pleasant Prairie. What does that mean? Is that like you were saying with the earth colors and stuff like that?

Jean Werbie:

Earth tones and the bricks. It’s a lot of the browns and the golds and the orange colors. It’s not like our Village logo, bright blue, bright yellow. It’s not ultra modern.

Donald Hackbarth:

The other question I have is we heard a lot about roundabouts tonight. Man alive, do we know which one is going to go in first? Not that it's important.

Mike Pollocoff:

No.

Donald Hackbarth:

Because I want to try one out, darn it.

Jean Werbie:

There's some in Mt. Pleasant, some in Madison, Sheboygan. There's several communities that have them at this point. But every one we've proposed so far has been a single lane roundabout.

Donald Hackbarth:

I think this is just a great development. I think it is really, really neat. The only concern I have is on 31 because sometimes what commercial retail will do is they'll enhance the front parts of their structures and then the back is just a cement wall. Coming up 31 this a premier site and I think it would be neat if at least the architecture was kind of attractive.

Ed Ross:

And you'll see 102nd Street, the terminus of that we tried to create an outdoor space that the restaurants will use, so hopefully people are sitting out there and using the space and that will definitely get some reaction.

Donald Hackbarth:

But I'm saying on the new 31 so that will kind of look—

Ed Ross:

Yeah, and we've done a lot of the what we call four sided architecture where all four sides are finished. The developers have that expectation the whole time. As part of that, too, we try to put window in. Sometimes we don't want to see into them, but you want it to look nice and that has been their intent all along.

Donald Hackbarth:

Last comment. You've got that nice retention basin on 31 and 165. Gee, that would be a nice premier spot to put a fountain in it advertising it.

Ed Ross:

I'm not sure about the fountain. You'd have to ask . . . about that. But we do show an anticipated sign right on the corner there. As far as the ultimate look of that that's yet undetermined.

Donald Hackbarth:

I'm just saying a little waterfall.

Scott Simon:

Our intention is to work with the landscape architect as we get close to the end to

Mike Serpe:

To Jean or Mike I guess, does this total square footage qualify for some type of security cameras in the parking?

Mike Pollocoff:

Yes.

Mike Serpe:

And there will be that?

Jean Werbie:

Yes.

John Braig:

Two points. Lighting was not discussed and, of course, at this preliminary stage it wouldn't be, but I think this location as it is basically rural at this point lighting design in my mind has to be carefully done so it provides good illumination with minimum glare. That will mean obviously shielded light fixtures and things of that nature.

The other item that I'm concerned about is as I read it apparently the request for funds in the 2007 budget did not provide for additional staff. I think it's very critical that somehow we get to work on this tree ordinance. I don't recall what all the discussions were when the budget was considered and finally ruled on, but I wonder if the staff could comment as what the likelihood of approval in the 2008 budget might be.

Mike Pollocoff:

Well, we're a ways away from that. The staff will start working on their budgets probably in about two to three weeks for next year. The Board is going to address a whole list of items to be adjusted and levied from police officers, fire fighters and operational people, public works, and

additional zoning enforcement personnel would be another submission. We always look to some developments to pay for the impact that they have on development as far as doing what they do, but I don't want to mislead anybody as far as hiring additional staff to do tree inspections or certifications. It's going to be—without having an ordinance that really sets forth what the Village is trying to accomplish, because a tree ordinance can be as comprehensive or as passive as you can imagine. But the worst case scenario from a staff perspective or staffing that up is if the ordinance ends up being used as a weapon between neighbors or who could cut down what.

There's probably some things we could do between having no ordinance and that, and maybe as it relates to replacement of existing tree stock that might be damaged by development, how many inches are going to have to be replaced by a developer. But given the tax environment and the limitations that we're under right now and the levy limitations, this last year we added a fire fighter and some part-time public works people as individual staff and that's all we had levy limit room for. And given the rate of growth I'm sure that public safety, our most essential operation, is really going to be the push. But we're just starting. I guess as Jean develops her budget we'll see what she puts together.

John Braig:

What I was partially reflecting on is we've had a change in the makeup of the Board and I wonder if that will reflect an attitude change as it pertains specifically to a tree ordinance.

Mike Pollocoff:

The changes that make up a Board I think would be with my short experience with the new Board is they're willing to sit down and talk through problems and come up with solutions. If you can't even talk it's tough to find any solutions. But we're in a difficult fiscal environment where developers can bring proposals to develop at whatever speed they want to do it and we're not able to—once that development is on line our only chance is to respond with whatever we can get out of the two percent cap. That really changes how we do business.

Mike Serpe:

John, I love trees as much as anybody and I hate to see one be cut down for no reason. I know that in the past some people have come in and agreed to leave a stand of trees alone and they've been cut down and that upsets all of us. But I really think we have to be careful on how we address that tree ordinance, that we don't create such a problem for this Village that the residents end up hating us for what we're doing. We have to be careful on it because that could very easily happen.

Personally I do feel that the way staff is addressing every development that has trees on the site I think they're doing a pretty good job as far as identifying those stand of trees, which ones we can save, which ones we can afford to let go. Some trees have to be cut down because it's going to be right in the middle of a building. I understand that. But my biggest fee in going into a tree ordinance is that we're going to create neighborhood problems and we're not going to be able to write enough tickets to justify the zoning person's existence. It's just not going to happen. And what it's going to do is create a lot of unnecessary publicity for the Board and for the staff.

If it could be written in such a way that that won't happen I'd be all in favor. But I don't see how we can regulate what somebody does on their own property. I just say if we're going to proceed we have to proceed with a certain amount of caution because if we don't we might be able to cause a lot of problems.

John Braig:

I can't disagree with you, Mike. I think my emphasis is more towards developers than private homes or private individuals on a small parcel of land. Obviously after something is developed and without an ordinance or even with an ordinance it doesn't reflect that part of the problem a private homeowner could still cut down a tree. But I think that would result in far fewer trees being cut than if we have no ordinance and if a developer can wholesale eliminate trees.

Mike Serpe:

I agree with that and just one other thing. We've allowed development to take place in a lot of vacant fields where there's nothing more than thistles or dandelions growing and now maybe there's a couple hundred homes. And I can assure you that those couple hundred homes there's probably 400 trees that were never there prior to that being developed. So reforestation is somewhat there not to make a forest but to make tree lined streets and people plant trees in their own properties in their backyards. So, yeah, it's taking place, eventually it's evolving and it's starting to look good and I think it's working. I agree, I think when development comes forward that's what we have to put the emphasis on, and I think staff without an ordinance is doing a pretty good job of that. If an ordinance can be developed where they can ensure that it's being complied with and like putting up a bond to make sure that whatever trees we agree that would stay would stay and if they're not then we're going to take money out of that bond. We can work on something. But I'm glad you said that you're not so much in favor of the residential one because I couldn't really support that right now.

Thomas Terwall:

Anybody else? Hearing none, what's your pleasure?

Jim Bandura:

Move for approval.

Mike Serpe:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN FOR MAIN STREET MARKET SUBJECT TO THE COMMENTS AND CONDITIONS AS OUTLINED IN THE STAFF MEMORANDUM AND I COULDN'T BE HAPPIER. JEAN, I WANT TO COMMEND THE STAFF AND I

WANT TO COMMEND SCOTT. THERE'S NO QUESTION THAT A TREMENDOUS AMOUNT OF EFFORT HAS GONE INTO GETTING US THIS FAR. THE QUICKER WE GET THIS THING TO FRUITION AND GET A GAS STATION THAT SELLS GAS FOR \$2 A GALLON. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

C. Consider Plan Commission Resolution #07-16 to adopt the Prairie Springs Park Natural Area Des Plaines River Planning Report, April 2007 prepared by Lori Artiomow with the Kenosha Racine Land Trust.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, the next item on the agenda is Resolution 07-16, and it's a resolution considering the adoption of the Prairie Springs Park Natural Area Des Plaines River Planning Report. We have a representative that's going to be making a presentation and doing a PowerPoint presentation for you this evening. This presentation and lengthy discussion has also been made over at the Park Commission at their meetings, and they are actually going to have a meeting where they take official action on this as well and it also will go to the Village Board.

The Village staff feels that this planning report is very focused and tailored to our very specific area in the Village, and it warrants the adoption by the Plan Commission for the Village to be including it as part of its comprehensive planning efforts. The name of the plan that will be presented will be the Prairie Springs Park Natural Area Des Plaines River Planning Report dated April of 2007. It's a detailed assessment of the natural plant communities that occur within the Prairie Springs Park Natural Area and how to best manage them as prepared by the Kenosha Racine land Trust, and this was prepared for the Village of Pleasant Prairie. This encompasses an area of over 385 acres. The Prairie Springs Park is located within a large primary environmental corridor so it's a very significant area of the Des Plaines River Watershed not only to the Village of Pleasant but to actually Southeast Wisconsin and Northern Illinois as well.

Lori will be talking about past land uses and practices within this area. As you know or you may not know, but this was an area that was acquired largely by WisPark Corporation and it was transferred to the Nature Conservancy of Wisconsin, and then a few years ago all of this land was then transferred back to the Village of Pleasant Prairie and incorporated as part of our Prairie Springs Park area. So Lori will go into some of that detail as well. With that we do have her presentation set now and I'd like to introduce Lori Artiomow to make a presentation.

Lori Artiomow:

Yes, my name is Lori Artiomow and I developed the plan for this. I'll kind of go through everything. The Prairie Springs Park Natural Area is located within a large environmental corridor that's shown by the green there and the project areas within that orange circle. It is within the Des Plaines River Watershed and Floodplain. It is classified as a Class 1 wildlife area because of its size and because of the quality of its habitat and because it's adjacent to other large wildlife areas.

SEWRPC also identified this area in its 1997 Planning Report 42, Regional Natural Areas and Critical Species Habitat and Protection Plan for Southeastern Wisconsin. They named this area the Des Plaines River Lowlands. They said it is an area of local significance and should be preserved. We have some state endangered plants that we know grow on the site. It just really is a high quality site. It has certainly a lot of wetland. It has prairie, different types, wet prairie, no dry prairie but mesic prairie though, and some woodland. But we are having a problem out there with invasive plants moving in that are actually starting to impact the quality of the site. So that's why we put this plan together.

It has been impacted by a lot of different things. The one thing I do want to say is the funding for this plan came from a DNR river planning grant that we acquired so that's how it was funded. The project area is in the white dashed area. That was before the consideration of the land donation. The upper left rectangle was donated or is in the process. Jean, I don't know if that donation happened yet or is that still in the process?

Jean Werbie:

We need to talk about that so they know about it.

Mike Pollocoff:

The Community Development Authority is looking to donate this piece here minus the upland area that's out of the floodplain, looking to donate that to the Kenosha Racine Land Trust. And then the Authority would develop and convey that frontage that we have as part of the redevelopment plan to remove blight in that area and recover costs for the Village. We've had wetland stakings done and a survey and this has been the longest survey I've ever seen get done, but I think we're going to be in a position probably in a month to bring that CSM to the Plan Commission for the conveyance.

Lori Artiomow:

One of the things you can't see very clearly on here is there is a red dotted line that outlines the area that The Nature Conservancy has a conservation easement on. When they donated the land back to the Village they put a conservation easement on it which means it has to be protected in perpetuity in a natural state and cannot be negatively impacted in any sort of way.

Thomas Terwall:

Jean, can you show us where that's at?

Jean Werbie:

The area that was transferred to us?

Thomas Terwall:

No, the area that's protected in perpetuity.

Lori Artiomow:

The easement area.

Jean Werbie:

It's this whole area.

Lori Artiomow:

And it actually goes down below 165. And it actually doesn't include the area that would be the land donation. The easement doesn't cover that area. The other thing when you look at this slide, the purple indicates hydric soils on the site so these are wetland soils or wet soils, saturated soils; the greens are really the more upland soils on the site. So much of it is clearly wetland.

One of the things when you develop a management plan for a natural area like this is you actually look at past landscape, what was this land originally. One of the ways you can do that is by looking at soil types because soils are formed—a great component of soil formation are the types of vegetation that grew on them for thousands of years. So NRCS has this stated and I just kind of put it into the map where the blue are wet areas which were marsh or wet prairie historically. There are some lighter grayer areas, greenish gray that were wet mesic prairie, and then the more yellow areas prairie and the green areas were woodland. So you can see for the site that really much of it was wet prairie, marshland and just prairie with a little bit of woodland in there.

This you can't see real clear but this is an aerial photo taken in 1941. NRCS took this photo, and what it did was this was the earliest aerial phot we could find so that we could kind of see really what was this landscape back then. Of course, it was under a lot of agricultural impact, so there was a lot of ditching that occurred. Many of the areas that were too wet were actually used to harvest marsh hay. One of the things that they would do to increase marsh hay production was actually seed it with reed canary grass which now is a big invasive problem impacting the site. But this just helped us really get an understanding of what the land was like earlier.

What we found are stream channel modifications. From that aerial photo and from when the original surveyors came through in the early 1800s, 1835/'36 they actually showed the Des Plaines River flowing more where the darker blue line was. What happened is I'm assuming there was a stream channel modification to have the Des Plaines River follow along the section line because it made it easier for landowners to get to that little piece of land. Jerome Creek actually really didn't exist as a creek. It was really all wetland and then they ditched that to help

drain that away. There's also UT7 which is unnamed tributary 7 which was also ditched, so this is the ditching that's occurred on the site.

This is actually along that section line where the ditched area is. You'll see it's a deeper channel. The banks are higher and what's growing all along the banks is reed canary grass. One of the things that ditching does is it, of course, moves water quicker because you want to get that water out of there. That was the purpose of it. But it also does scouring and it also moves a lot of sediment. This is actually at a high water level. This is after some rains and you can see how muddy that water is.

This is actually just north of Highway 165. This is really what that river should look like or historically would have looked like where you have marsh growing right next to that river. It's low so that during high water events you have that water just spreading out instead of being shot down which has ended up causing flooding downstream. So these are just some of the changes. This is how we would like to see or some of us would like to see the Des Plaines River.

Other changes that happen on this landscape, when WisPark donated the land to The Nature Conservancy it was I part because of the Highway 165 construction from Highway Q that then crossed the Des Plaines River. Originally it didn't. So as part of that there because wetlands were going to be destroyed they were required to do wetland mitigation. It was actually one of the first wetland mitigations in the State of Wisconsin. The blue dashed line shows where on the project area wetland mitigation occurred. The Nature Conservancy to accept that donation also required that prairie restoration also occur around those mitigation sites so the green shows where that occurred. This happened in the late 1980s and 1990s. Actually when The Nature Conservancy did get that property it also did other management on the property. That actually was the last management that occurred was in the early 1990s.

Here is a picture of one of the mitigation ponds that's just north of Jerome Creek. Here I'm looking towards Jerome Creek and I'm showing one of the wood lots that's there. What I did when I went out there I mapped existing native plant communities. So these are the areas where you have existing native communities. Many of them are still impacted in some ways and are not really high quality. Some are very high quality areas. So the darker blues are the wetter areas, the marsh areas. The lighter blue goes a little drier. It's still wet but it's sedge meadow. Then we move to the wet prairies and prairie communities that are existing out there.

Sometimes when you're looking out there and you see that green you don't really realize how diverse a site is. Marshes are very rich. And once you start looking in the marsh you see much more diversity of vegetation than what might be apparent when you see all that green. You do have some nice high quality prairies. This is a prairie remnant. What you can't see is there is a lot of woody vegetation beginning to move in. And when that happens you actually lose your prairie because the woody vegetation takes over. That's a big problem in the prairie areas are woody vegetation. And the reason woody vegetation is moving in is because we no longer have the natural fire regimes that used to happen naturally or set by Indians or whatever where a fire would go through and keep that woody vegetation down.

Reed canary grass, you have a lot of reed canary grass out there. A lot of it is in areas that were disturbed or areas where it was actually seeded in. So all along the Des Plaines River and all along Jerome Creek you have very dense reed canary grass. That, too, is crowding out the sedge

meadows and wet meadows and some of the wet prairie communities. Here's a picture along the Des Plaines River. This is an area that was ditched, and what you're looking at right along that edge it's all very thick reed canary grass. Here, too, which may not be real clear, the line in the back is a type or strain of reed canary grass that's very vigorous. One thing they did back in the '40s, '50s, '30s they actually bred reed canary grass to be very big and vigorous because they used it to stop erosion along roadsides and all of this stuff. So when you're on the site you can actually see different strains of it out there. This one at this point here is six feet tall. You can't tell it but it's really tall.

The other area which may not be that clear on this is where we have invasive tree and shrub growth. And these are in areas that are taking over prairies. So those would be areas that would need to be managed. Here are two examples. Here we have a Michigan lily and what you have behind it is honeysuckle. Honeysuckle has either red or orange berries. The Michigan uses only the prairie species so it's going to happen now in two years or something that plant is not going to come back. Buckthorn is the other. That one is just loaded with red berries. These berries are spread by birds and that's how they get to remote places. Here, again, this is woody brush invading one of the prairie remnants out there.

Another real major problem that we have out there is the possibility that tall reed grass, common reed grass, which is a non native variety is beginning to move in all throughout Wisconsin. And you have it not right in the site but adjacent. Actually you do have it in the peripheries along the roadways. It's the very tall busy grass. You'll see it. The problem with it is it's very aggressive. Right now your marshes are the riches out there, the least impacted. But if this moves in this takes over marshes so you would lose the diversity in your marshes. You do have the native variety of this plant as you see in the next slide. It's a very different plant. It grows well with other plants, and once the more aggressive type moves in it would crowd out all other native vegetation and actually push the native reed grass right out of there so that's another problem.

So basically for the management plan we're saying it really has to begin with removing invasive woody vegetation. To do a burn, to do prescribed burns to maintain those prairies and marshes it's most effective if you get rid of much of the dense woody vegetation. After that, what we're planning is to implement a long- term prescribed burn program which means it would go on forever basically otherwise you're going to lose the plant communities out there. But to do a prescribed burn you also have to do it with reed canary grass control because reed canary grass likes to be burned and it will actually become more vigorous. So when you do a prescribed burn you also have to do reed canary grass control in the area that you burn. And when you do these burn sit's not every year. It might be every five to seven years that you do a burn. And you wouldn't do the whole site at one time but I have three different management units and you would rotate it.

The other thing is to eradicate the invasive fragmites. That's the common reed grass, the tall reed grass, and that's to eradicate it from all the surrounding areas so that it does not move into there. And then also just annual monitoring for other invasives. There's always new invasive plants coming out so you never know what's going to be moving in next.

Here are the different management units. And the management would actually start in the Jerome Creek unit. That unit has some of your highest quality remaining natural plant communities. It would go to the next management area so you would begin a prescribed burn there one year and

then the following year you would begin management at the River Road unit, because there, too, you have some State endangered plants growing out there and we'd like to maintain the habitat for those before they are lost. Then it would go down to the frontage road unit. That unit has been the most impacted by agriculture and has a pretty aggressive reed canary grass problem. So that's going to be a special management. We've talked to the Fish and Wildlife Service and they said that they would probably help in trying to find ways to manage that.

One thing that this management plan doesn't cover are your oak woodlands which you have some really great oak stands. They also need prescribed burn to help maintain the health of those communities in there. But it would have to be a different prescribed burn than the prairie style prescribed burn. It's a whole other program so this plan doesn't cover that.

Other possibilities I talked about the different ditching that's happened out there. And some of the things we could do is create a meander in Jerome Creek to slow that water flow and to get some of it back into the system and also to relax some of those ditched stream banks along the Des Plaines so that water actually has a place to flow instead of just shooting down the river. To do that you need to really establish some technical advisory teams that could be made up of individuals from the DNR, from Fish and Wildlife Service, Army Corps, just a number of experts who could help say what might be the best way to improve these habitats out there. That is basically an overview of what the plan covers.

Thomas Terwall:

Thank you very much. Any questions?

Jean Werbie:

No, other than the Village is very appreciative for all the work that Lori has put into this project, and the Kenosha Racine Land Trust is an organization and group that we've been wanting to do additional projects with over the last couple of years. This looks like a great work effort to help manage that area that was provided to the Village.

Jim Bandura:

Jean, this looks like it's going to be a very long and ongoing thing, and I know we have quite a bit of wetlands that follow the river. Doing this how is that going to impact the rest of it? Is there a program down the road for the rest of it?

Lori Artiomow:

The first part that's the other reason for doing any modifications to the stream flows currently. You would need that technical advisory teams to help determine. So this plan isn't really going to address that. It just gives suggestions on how to maybe assemble those teams. We did get recommendations from Ducks Unlimited on what might be done to help improve that area. But the plan as it's written is not going to do any modification to water courses because that's a whole other thing. The managing of reed canary grass and all of the other invasive plants out there in restoring communities is actually going to benefit the rest of the area.

Jim Bandura:

I have seen a lot of the reed grasses coming into the Village more so now, and I didn't realize that they were the invasive species.

Lori Artiomow:

Yes. If you think back even five years ago you didn't see those big tall bushy stands of grass. I'm not quite sure where they first originated from but they are just very happy up here and just growing.

Jim Bandura:

They're taking over the cattails.

Lori Artiomow:

Yes, they're taking over the cattails. To think of that, that a plant can take over cattails that's something.

Thomas Terwall:

Anyone else?

Jim Bandura:

Jean, their recommendation for having the Army Corps or advisory committee established is that in the works or is that something open?

Lori Artiomow:

We have people who would be interested in doing it. It's a matter of saying, okay, yeah, let's take a look at it. Certainly agency personnel would be donating their time to help improve it because they would like to see the system improved. It's part of the Des Plaines River Management Plan that SEWRPC put together. Some of that is returning streams back to their normal course and things like that. So this actually follows some of their recommendations.

Donald Hackbarth:

There's a lot of stuff upstream, too, a lot of communities that don't give a rip.

Lori Artiomow:

Exactly.

Donald Hackbarth:

What do you do with that? A plan is a plan and if somebody upstream is going to dump garbage down that we have to deal with.

Lori Artiomow:

You're absolutely right. The one thing that we do have going is that there are some NRCS programs, natural resource programs, where they're actually trying to encourage farmers to restore ecosystems or to get away from the floodplain and to have larger buffers around it so that sediment flows are reduced at least. I was talking to somebody at NRCS and they said almost annually there's over 1,000 acres that are put into some type of NRCS program that will help reduce sediment flows into the rivers. Of course, at the same time if you know anything about these programs some of them are not in perpetuity which means some of this land can go back out of the program. But I think there's a lot more work with the farmers and agriculture to try to reduce sediment flows because that's the biggest problem is sediment and nutrients coming. When you do have more and more development around that area, too, you're losing the capacity to absorb that water right there, because if you have impermeable surfaces it's all going to run somewhere. So there certainly are those questions. But it's like you've got to start somewhere.

Thomas Terwall:

If there's no further questions then a motion is in order.

Mike Serpe:

I move to adopt 07-16.

Jim Bandura:

Second.

Thomas Terwall:

MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO ADOPT RESOLUTION 07-16 AS PRESENTED FOR THE PRAIRIE SPRINGS PARK NATURAL AREA DES PLAINES RIVER PLANNING REPORT DATED APRIL 2007. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you very much.

6. OLD BUSINESS

B. TABLED 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 amendments as it relates to Section 420-119 K.(4) of the Zoning Ordinance that relates to operational standards, and Section 420-119D(1)(c) of the Zoning Ordinance as it relates to conditional uses in the B-2 District.

On April 23, 2007 the Plan Commission approved resolution to initiate these text amendments. The Village staff put together these matters and brought them to you on May 14th. The Plan Commission opened the hearing but no one from the audience had commented on the issue. However, the Plan Commission had a safety concern regarding the location of the liquid propane gas cages, and the concern centered on the possibility of these cages being located between perpendicular and angled vehicle parking spaces in the fronts of buildings thus creating the potential for a vehicle to crash into the fronts of buildings into the potentially volatile LP gas cage.

Given this concern, the staff has re-evaluated this information and actually Tom has gone out and taken photographs of all of these locations within the Village and the City. He's put together a chart for your review down there on the page that identifies the facility, location and angled or perpendicular parking in front of the building. And he's also put together some analysis in the staff report that talks about where these existing sites are located and if they actually in violation of the ordinance right now have these particular units on their property, whether it's ice storage or propane tanks. What I'd like Tom to do is go through the slides for you. He's taken quite a few pictures to give you a better perspective, so it's more or less a slide show for you to take a look at things.

There are two concerns that we have, one of which is if the staff and the Plan Commission permit outside storage of liquid propane and ice storage one use is more objectionable than the other. If they're not, since most gas stations have these uses, where is the best location for them to be placed on the site. The second issue is if we do approve these uses, we just don't want it to lead to the storage of wood and windshield wiper fluid and banners and all this other stuff that can be put on the site to clutter the sidewalks and the front parking areas and the front of the buildings because we have some very nice convenience stores that have located in Pleasant Prairie and their sites typically are kept pretty nice and neat. We do have some—

Thomas Terwall:

Jean, the fact that some of this is going on now without a permit should we be concerned that some of this other stuff is also being stored out there? If they've got propane how do I know they're not storing rock salt?

Jean Werbie:

Exactly, and that's why we took pictures of every single one of them for you and, trust me, Tom and I know what everybody is storing and where it's being stored and if they're in violation.

There's a couple of uses right now that have some of these uses on their property, and unless they remove them they're not going to get their liquor licenses in the next 30 to 60 days. So, first we need to decide whether or not is this a problem for us, and if it's not a problem we should permit it and so it doesn't become an ongoing zoning violation for us to keep chasing.

So I'm going to have Tom go through the slides. Again, the different sites that he investigated are Stateline Citgo, BP Connect, U.S. Kenosha Truck Stop which is along the Interstate at Philips 66, Pantry 41 Citgo, PDQ Store 352, that's the one in Pleasant Prairie, Truesdell Mini-Mart on Highway 50, Shawn's Shell on Highway 50 and Mobil on Highway 50.

Tom Shircel:

Thank you. First of all, each one of these sites, of course, is unique in and of itself. As you look at the pictures, some of these facilities have windows all across the front of their store. One of Police Chief Wagner's requirements were that these ice machines and LP gas cages be five feet from any window minimum and ten feet from any door. Well, if the intent is to have these on the front of the buildings some of these buildings won't be able to have these in the front of the buildings because of those two issues.

You can see from this slide three of these facilities, that being BP down by the Radisson, the PDQ Store on 75th Street and Truesdell on 75th they have perpendicular parking in front of their stores. One of the concerns of Commission Serpe was that these parking spaces in front of these stores, perpendicular spaces where cars could perhaps jump the curb, slam into the LP gas cages and cause a catastrophe.

So if we go through some of these slides, like I said, there are quite a few. This is Stateline Citgo down on Sheridan Road and 128th Street. You can see that they have perpendicular parking on the south side of their building which is essentially the side of the building. We're looking northwest. They do have an existing ice machine as you can see on the north side of their building. Whether that's five feet from the windows around the corner I'm not sure. So this machine is definitely not in compliance now, but if this ordinance were to be adopted whether it's five feet from those windows obviously measurement would need to be taken. Another view of that machine, the south side of Stateline Citgo and here they have perpendicular to the building but this is not the front of the building per se. This is the side of the building.

Thomas Terwall:

Tom, go back to that previous slide. Are we sure that Chief Wagner is concerned about a situation like that, or is he only concerned when that thing sits in front of the building where a guy could hide behind. You could take that ice machine out of there and if the guy's purpose is to hide he'll hide where the ice machine.

Tom Shircel:

He'll hide where the ice machine is, you're correct.

Thomas Terwall:

You wouldn't even need the ice machine.

Tom Shircel:

You're right. The question also comes if you put these machines on the side or the back of the building is that safe? If someone comes at 11 o'clock at night and says I'd like 15 bags of ice, then the person, the clerk, has to go out there unload 15 bags of ice in the back of the building or side of the building. I don't know where it would be safer, front of the building, side of the building, rear of the building.

Mike Serpe:

As long as we're talking, do we have a problem with anything in the first—the only reason I brought the propane up is because we brought this proposed ordinance up. I don't know that we've had a problem with the ice machines at any gas station regardless of where they're at.

Jean Werbie:

They didn't exit previously.

Mike Serpe:

They've been there for years.

Jean Werbie:

No, they weren't. None of them were approved at any of the new gas stations, PDQ or Truesdell. Nobody had any.

Mike Serpe:

Okay, but aside from that what are they hurting? Nothing.

Tom Shircel:

I don't believe they're hurting anything.

John Braig:

The only problem I could see with an ice machine and I mentioned this in the last meeting was my disturbance with Super Valu placing—so if we go through the effort of approving the site and operational plan and it's got sidewalks and the public is expected to use it and then we permit the sidewalk to be blocked with a machine that's objectionable.

Mike Serpe:

Right. If you want to get just relatively reasonable the propane tanks if they can't be put out of harm's way and there's no place to put them on this parcel, then maybe the alternative would be to put some type of protection in front of them, a bollard, something that's going to if a car does jump the curb it's not going to create this monstrous explosion which propane will do. Other than that I don't know that we should really be getting involved in something like this right now. That's my personal opinion.

Wayne Koessl:

I agree with you, Mike. I think if there's a real hazard with propane they can put some concrete barriers right in front of them so a car can't jump them. I don't think we've had any problems.

Jean Werbie:

In fact, when you approved Ace Hardware to sell propane that was actually in the parking lot, and that was one of the concerns that the Plan Commission had and they actually have these bollards all around so that, in fact, can't happen.

Thomas Terwall:

But you're also dealing with more than a five pound container there, too.

Jean Werbie:

True.

Tom Shircel:

Are you concerned only about the LP cages in front of buildings with perpendicular parking to the building? For instance, if you look at the slide here this is BP Amoco. They have perpendicular parking not only in the front of the building but also on the north side.

Mike Serpe:

Then, Tom, if they have parking where the propane tanks are going to be harm's way, then they would have to do something to protect those tanks whether it a bollard in front of the cage or whatever. I could care less if a gas station has an ice machine somewhere in the front of the building. They've never been objectionable to me and I could care less if they have about ten gallons of windshield washer fluid out there. I don't care about that either. That's what they're in business to sell.

Thomas Terwall:

What would you do, though, if the parking was not perpendicular and it was parallel. What's to stop a car from jumping the curb and hitting the propane tanks anyway.

Mike Serpe:

Nothing.

Larry Zarletti:

What's to stop a car from hitting a gas pump?

Jean Werbie:

There are bollards.

John Braig:

And it is on an island.

Mike Serpe:

There are cement protections.

Donald Hackbarth:

To talk in favor of what both Chiefs are saying is when you put stuff in front of windows you're making their job tougher.

Thomas Terwall:

But if the window is five feet high and the ice machine is four feet high I don't have a problem with that. And the way it was presented the other night we weren't going to allow that either.

(Inaudible)

Tom Shircel:

Actually the manager of this PDQ is the one who brought this to fruition of wanting her ice machine and LP gas cage. You can see from these slides there's a good spot right there which would meet every ordinance requirement as drafted right now, five feet from a window, ten feet from a door, in front of the building, against the wall. It's a perfect spot right there. But, again, each of these sites is unique in and of itself and they don't all have a great site like that to put this.

Mike Serpe:

Could something be written into the ordinance if we're going to push this along that gives Community Development the authority to grant or give some type of variation if the ordinance can't be met for whatever reason? Could that be legally written in without coming back to us or the Board?

John Braig:

I can recognize placing ice storage and LP storage outside the building. That's logical. But I don't see the need for newspaper vending machines or stacks of windshield washer to be outside of a store that has got a whole full retail enterprise inside of it.

Tom Shircel:

I think the staff agrees with Commissioner Braig that these LP gas cages and these ice storage machines are containers in and of themselves. Like you said they're not pallets of wood chips strewn all over the place. They're not stacks of windshield washer fluid or charcoal or what have you.

Mike Serpe:

Let me interject something here. Gas stations are closing on a regular basis because as much as our great oil companies are in the best interest of Americans right now the gas station owners are making about three cents a gallon and they're closing their doors because they can't keep up. So now if these gas station owners want to sell some extra windshield washer fluid or some bark or whatever just to keep their doors open why would we interfere with that?

John Braig:

I have to disagree with you when you say three cents a gallon. The State minimum markup isn't it six percent required. With fuel prices as high as they are they're making more money now than they ever did.

Mike Serpe:

They're not making money, John. And I don't know that we should be involved. Unless it's objectionable. Most places I frequent their displays are kept up and they're decent. Why are we interfering with somebody's business. I don't understand this. Do the protection for the safety of the people with reference to the LP gas, and you want to do something with the windows and give authority to the staff to grant some variations here without having to come back to us for everything. How far do we have to go with this? We have a million other things.

Tom Shircel:

Here is Mr. Schuler's Mini-Mart on 75th, and you can see he has both the LP gas cage and the ice machine. You can see the LP gas cage covers a window and he's got windows all along the front of that building that go down about three feet from the grade.

(Inaudible)

Tom Shircel:

Perhaps maybe the five feet and ten feet are too much. Even the ice machine here would not meet the five foot distance from the windows. I think the ice machine here is in a good spot but it wouldn't meet the five foot distance that Chief Wagner is requesting. I don't know if that distance needs to be relooked at.

Mike Serpe:

You're saying that's really going to be in violation of what we're talking about.

Tom Shircel:

Right. If the ordinance is adopted the way it's drafted these would both be in violation.

Mike Serpe:

And, again, there's nothing really wrong with that.

John Braig:

Is there any concern of having an LP in front of the window because of the fire hazard? In other words if somehow the thing started a fire obviously it would feed into the building.

Mike Serpe:

Put a sign up there saying LP gas available and put it somewhere else out of harm's way. Whatever it takes, but I would keep it out of where it could be struck or if it does go up in flames.

Tom Shircel:

Again, here's the east side of Truesdell. Here's the west side. There's opportunities there, but again, it takes away that facility's visibility of those ice and LP cage which is what I think people want to see but that's obviously up to the Commission. Here's the rear.

Wayne Koessl:

When you start hiding them around the side or the back of the building, that means the clerk has to go out there and unlock them. That's going to leave the store open. Where like in Truesdell they can see who is going in and out of the store while they're doing that. I think we've got a bunch of ado about nothing myself. I think just let it go.

Tom Shircel:

I think this example right here the ice machine is perfectly fine but, again, it doesn't meet that five foot distance Chief Wagner was looking for.

Wayne Koessl:

Like Mike said, their gas sales are going down and they have to make a living somehow. We're not here I don't think to curtail any little profit they can make.

Mike Pollocoff:

If I hear the Commission appropriately, what you're saying is for the ice machines it should be against a solid wall but not in front of a window where possible, but it doesn't have to be five feet or ten feet. It just needs to be a solid wall back. And then ideally if they have LP gas I guess my recommendation would be the same thing, get it away from the window but keep it in the front, or if they want to keep it in the side but not in front of the window. . . . if we don't put bollards in front of it but those things are a target. If that would be the recommendation we could require bollards in front of the LP. I think keeping it away from the windows for explosive reasons, if it blows up it's going to be a hell of a mess anyway, but if you're shooting glass versus the wall, but I think the real thing is to keep it from hiding what's going on in the store or preventing the person in the store seeing what's going on outside.

Jim Bandura:

The staff has done a great job of trying to keep out all of these banners and other stuff from in front or weird displays or whatever. And I hate to have that go by the wayside, all of that work that's been done by the staff just to get something written in so they can do the ice and the propane and that's fine. I just hate to see staff's hard work, if somebody opposes this then let me sell the bark and let me sell the tomatoes and put a little stand in front. I just hate to see that go by the wayside. If you can write it to that, Mike, I would take a second look at it, yes,

Mike Pollocoff:

I think in the first instance you could amend the proposed ordinance to say ice machine should be against a solid wall and the same for the LP gas.

Mike Serpe:

What if the whole front and side is a four foot wall and window above that all the way around. All of a sudden now it's going to be in front of some window somewhere. That's why I'm saying give staff the authority to say, you know what, because you can't qualify we'll grant you this exception and here you can put this ice machine or whatever in this spot. Have some latitude here.

Jean Werbie:

They also make display cages for these propane tanks. Some are taller and some are longer. All they'd have to do is get a different style so it's this way as opposed to going up this way. Or maybe it's not an eight foot wide but six or seven.

Wayne Koessl:

I think Mike's comment was right. They should be by a solid wall in front, but if it's solid glass then you should have to put a bollard in there for the propane.

Larry Zarletti:

Could you go back to Schuler's for a second. Now, I understand what Mike is saying. That particular one is, I don't know and I'll take a guess at it, less than a foot into the window, right? It's got solid wall behind it except for that window. Is that what you're talking about, Mike? That's propane. So it still can't be there because it goes up eight inches on the window and it's near the glass, is that the idea?

John Braig:

That and the fire hazard.

Larry Zarletti:

So if they moved it over where the ice machine is and there was a solid wall behind it, come on. If it blows up it's taking those windows out anyway. So we're going to move it over a couple feet? I agree with what Wayne said. We're much to do about nothing. I mean on an as need basis you see a violation, something that the Fire Chief is just having a fit about and it could really be a problem deal with them as they come.

Thomas Terwall:

(Inaudible)

Tom Shircel:

Can we use that language verbatim what you just said?

Thomas Terwall:

. . .adjudicate what's stupid or not we can do that . . . (inaudible).

Larry Zarletti:

One more thing. I think we'd be better off if we wanted to talk about the propane is that you can't have it where there's any windows. I mean you need to have it on the complete brick side of your building. That would at least be something I could live with because right there, for example, that it would have to go there because that's the only place where there's no windows and the brick goes all the way to the ceiling. But to say if we moved it over where the ice machine was it would serve its purpose and it would meet our requirements is ridiculous.

Thomas Terwall:

(Inaudible)

John Steinbrink:

. . . some of those are very narrow. If you go back to one of them the machine pretty much leaves you with very little space to walk through there. So when we permit these stations and we can put the sidewalk in front do we have a set distance we want for pedestrian traffic and then we're impeding it with the machine, whether it's the ice machine or the tank. Now, PDQ had theirs inside the ice that was always there, so apparently they want to free up the freezer and move the ice machine to the outside? Is that the purpose?

John Braig:

This one is a good example of the beef I have with Super Valu. You've got a sidewalk and then you clutter it.

John Steinbrink:

There's less than a foot there.

Larry Zarletti:

I go to that gas station. That's a block from my house. And, guess what, that's not a sidewalk for people to walk on. You don't park on that east side of the building and walk along the building. Everybody comes from the front or they come from the other side anyway.

John Steinbrink:

Then you're not doing it right, Larry.

John Steinbrink:

But do we have a requirement on them when they build their station as to what they have to have for a sidewalk? So if you're blocking it then they're no longer meeting it then they need to have a bigger sidewalk, but then their lot isn't big enough to accommodate.

Mike Serpe:

How do we get from the gas pump to the cashier?

John Braig:

We walk on the sidewalk.

Wayne Koessl:

You go across the driveway into the door. You don't use the sidewalk.

Mike Serpe:

And another thing we haven't had is a lot of people getting knocked off by walking around the ice machine going to pay their bill. Again, Wayne, I think you hit it right on the head. I think we're making too much about nothing here. Address the propane issue, the safety there, and I think if we get that accomplished anytime soon that will be great.

Tom Shircel:

So your remedy to address the propane issue is what?

Mike Serpe:

Use natural gas. I don't know.

John Braig:

Are we saying we basically want the propane storage on a solid wall?

Mike Serpe:

I think that's better than putting it on a window. But what if there's no solid wall to put the propane storage in? And you don't want to put it out of the site of the clerk where they have to, like mentioned earlier, leave the desk to go around out of sight to open it up. If the clerk is alone—

John Braig:

That's a valid point. But at this point every facility we have has room on a solid wall. So what we're talking about is something and that we can control. If somebody comes in with a plan that's got glass all the way around we can say you can have it but you can't have propane.

Larry Zarletti:

I still don't understand the solid wall issue. If you look at the picture that's up there and you put the propane tanks on the solid wall that's right next to the plate glass window it isn't going to matter. Unless it's an all brick side of the building why have the requirement? You know what I'm saying?

Mike Serpe:

Larry, this whole thing started out by having propane tanks stored right in front of the parking spaces and that's what I objected to in case it jumped the parking ramp and hit the thing and that's what I objected to. And now we're to this.

Thomas Terwall:

I would like to see this go back to staff and get both Chief Wagner and Chief Guilbert in here and say, look, we're not trying to create—let's be reasonable and get their input.

Jim Bandura:

I agree with you, Tom. I think if the staff gets the input with both Chiefs just to do something reasonable is in my mind the way to go.

Mike Serpe:

I think I know where Brian Wagner was coming from when this came to him. Naturally he said we don't want it in front of the window. That makes sense you don't want to block the vision to the cashier.

Thomas Terwall:

I agree. But what I do think we need to give staff direction on is do we want to limit the sale to ice and propane only, or are we going to let them sell wood bark and firewood and that kind of stuff.

Tom Shircel:

You can't see the Mobile station has a Pepsi machine in front of it.

Jean Werbie:

It looks awful.

Tom Shircel:

And I think the reason this Mobile station has a Pepsi machine is because it's not a convenience store per se like all the rest are. This is one of the old time with two garage lifts. Whereas if they were a true mini-mart they'd have all the soda sales inside. I think that's why you have this anomaly here.

Mike Pollocoff:

One of the things I think we've got to keep in mind in the zoning ordinance is that equal protection. A new business comes in and if it's a new gas station or mini-mart, we're going to say as time goes on we don't want you skimping on your building size so you can have your product or whatever portion of your product outside. You've got to get it inside. They all start

with the ice inside but you get better turnaround if people put soda in that same spot so then they move the ice outside. Everything we do if you kind of look at the logic in our zoning ordinance it's getting everything inside and no outside storage. That's just our ordinance. It kind of goes along with the zoning districts. Everything is based on getting everything inside and people go in and conduct their business and the products aren't outside unless it's a nursery.

I think from our standpoint we feel that you don't want to impinge on these guys but do we need to compromise the ordinance to make it so some guy can sell propane in an area where we don't want him to. Maybe we just say unless you have that full block wall you're not selling it. You made that decision when you built your place that it's more important for you to have windows than it is to have a secure place for propane. The ice I don't know. I agree I can't think of hardly any gas stations that doesn't have an ice machine out in front of the place. But when you start moving down to chips, firewood it just grows. And what happens is it doesn't cost them anything to store their inventory but the whole . . . to look at their inventory. That just doesn't tie with what we do. So as a new business comes in we beat them around the ears saying you can't do this or this or this but we're sliding on the other ones who we said the same thing to when they came in but they just kind of drift.

So we need to know where the line is. But right now the logic in our ordinance is everything goes inside. If you want to change that we have to be ready to kind of move that not in all the uses but in all the convenience uses saying in a convenience use you can go outside . . . that's really the direction we need to know which ways you guys want to go.

Jean Werbie:

Did you take action?

Thomas Terwall:

We're going to refer it back to the staff.

Wayne Koessl:

We're going to table it.

Larry Zarletti:

Just one thing. You've already got the opinion from the Chiefs, right, before you put this together. So now the request is to go back to the Chiefs and see if they'll move on their position a little bit.

Thomas Terwall:

(Inaudible). In Brian's case I think he's really serious. If he's got a five foot window . . .

Jean Werbie:

Again, two things. First of all none of these businesses have legal uses outside. Nobody does. So Brian did not have an issue up to this point because no one was allowed to do it. Second point is that we will certainly bring it back for him to take a look at. The best case scenario is that there's nothing outside. And another good case scenario is that it's away from the windows. Now, if it has to be there and it has to be outside where can it be located to give you some type of comfort level? We'll look at that.

Thomas Terwall:

(Inaudible)

Larry Zarletti:

Have you seen the advertisements, obviously, on the windows of a lot of the places that are putting a paper sign up that says Mountain Dew \$2.99 or whatever. That's blocking the vision. A lot of those block the vision. I understand the Chief's comment on that. In a perfect world you wouldn't want anything near any of those windows for a lot of good reasons. There's stuff up on the windows all over the place.

Mike Serpe:

Let me ask you a question. I think we have to take into consideration what Mike just said and that's how we allow these people to come into the Village in the first place if they get the permits by agreeing to certain things. But let me give you Stateline Citgo for example. On the north side of that building there's a pretty big empty piece of land there. What would stop Stateline Citgo saying we could maybe do something with this parcel to sell and put up a big display of windshield washer fluid, let's put up a display of something. Would they need a special permit to do that?

Jean Werbie:

They can't do it. The ordinance says expressly that they're not permitted to do it. I agree I don't think we should be moving an inside display of product and inventory outside. We don't allow it in the industrial park. We don't allow it in the retail stores. The only exception is a sidewalk sale occasionally for certain businesses. But to move all that product outside is just not appropriate and it becomes cluttered and it starts looking ratty and bad and the weather elements get to it. It doesn't look acceptable.

Thomas Terwall:

(Inaudible)

Jean Werbie:

Yes.

Larry Zarletti:

It's illegal or legal?

Jean Werbie:

They're not supposed to have an outside display.

Larry Zarletti:

It's a hardware store.

Thomas Terwall:

(Inaudible)

John Braig:

Although he does take it in at night. He has to.

Thomas Terwall:

(Inaudible)

Wayne Koessl:

I'll move to deny it.

Larry Zarletti:

Second.

(Inaudible)

Jean Werbie:

Are you referring it back to staff or denying it?

Thomas Terwall:

(Inaudible)

Wayne Koessl:

Are you referring it back to staff then? I just can't see moving propane inside.

Mike Serpe:

I would move to refer it back to staff and there's no hurry to come back to us. Take whatever time you need. Let's kick it around amongst each other. You see somebody walk through what do you think, or we do it in a pre-meeting in the Village Board.

Thomas Terwall:

(Inaudible)

Wayne Koessl:

I would move to refer it back to staff and please take your time.

Thomas Terwall:

MOTION BY MIKE SERPE AND A SECOND BY WAYNE KOESSL TO REFER ITEM B TABLED 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 OPERATION 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 BACK TO STAFF.

Voices:

Aye.

Thomas Terwall:

Opposed?

9. ADJOURN

Wayne Koessl:

So moved.

Larry Zarletti:

Second.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Meeting Adjourned at 8:00 p.m.