

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
June 11, 2007**

A meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on June 11, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; and Judy Juliana. Larry Zarletti was excused. Also in attendance were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF THE APRIL 30, 2007 AND MAY 14, 2007 PLAN COMMISSION MEETING(S).**

Judy Juliana:

Move to approve.

Wayne Koessler:

Second.

Thomas Terwall:

MOTION BY JUDY JULIANA AND SECOND BY WAYNE KOESSL TO APPROVE THE MINUTES OF THE APRIL 30TH AND MAY 14TH MEETINGS AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS.

Thomas Terwall:

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

6. NEW BUSINESS.

- A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS for the request of Kenneth Franzen of Fortune Wireless, agent, on behalf of Sprint/Nextel, lessee, to:**
- 1) install 3 additional panel antennas at the 150 foot height and associated equipment to the existing cellular tower, 2) add equipment to the interior of the existing equipment shelter, and 3) install an exterior emergency generator on the south side of the shelter, along with other related ancillary work, within a leased area, at 1105 104th Street, which is Village-owned property located at the southeast corner of 104th Street and Sheridan Road.**

Jean Werbie:

Mr. Chairman, members of the Plan Commission and the audience, this is a public hearing tonight for a conditional use permit including site and operational plans at the request of Kenneth Franzen of Fortune Wireless, agent, on behalf of Sprint/Nextel, lessee, to: 1) install 3 additional panel antennas at the 150 foot height and associated equipment to the existing cellular tower, 2) add equipment to the interior of the existing equipment shelter, and 3) install an exterior emergency generator on the south side of the shelter, along with other ancillary work. This property is located at 1105 104th Street, which is Village-owned property located at the southeast corner of 104th Street and Sheridan Road.

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

Findings of Fact

1. Sprint/Nextel, lessee, is requesting to upgrade the existing cellular facility by:
 - a. Installing 3 additional panel antennas at the 150 foot tower height and add associated equipment to the existing cellular tower. The 3 new antennas will be at the same height as the 9 existing panel antennas. The antenna array will change from a three-sided to a four-sided azimuth.

- b. Adding equipment to the interior of the existing equipment shelter.
 - c. Installing an exterior Kohler 60KW emergency generator on the south side of the existing equipment shelter on a 10' x 16' concrete pad.
- 2. Other ancillary work to occur as a part of this project is the:
 - a. Addition of 6 new coaxial cables.
 - b. Removal and reinstallation of the existing landscape shrubs to accommodate the new emergency generator pad area.
 - c. Removal of existing fencing and installation of new fencing around the new emergency generator pad area. The new fencing shall match the existing 6-foot high, black vinyl coated chain-link fencing.
- 3. The work will occur within a leased area located at 1105 104th Street, which is Village-owned property located at the southeast corner of 104th Street and Sheridan Road and further identified as Tax Parcel Number 93-4-123-301-0901.
- 4. The existing cellular tower facility within a 20' x 40' leased area, is located southeast of the Village-owned and operated Water Booster Station, a 5-million gallon Water Reservoir, within a fenced area. The existing facility, generally consisting of a 180 foot high monopole tower, 9 paneled antennas at a height of 150 feet, a 22' x 14' equipment shelter and associated improvements, were granted Site and Operational Plan and Conditional Use Permit approval on July 12, 2004 ass Grant No. 04-10. The monopole tower was designed and engineered to accommodate other potential future users.
- 5. The existing cellular facility and the proposed upgrades comply with Section 420-89 B. of the Village Zoning Ordinance entitled Commercial Communication Structures.
- 6. The current zoning of the property is I-1, Institutional District.
- 7. Pursuant to the Zoning Ordinance, the proposed commercial communication antennas and associated equipment require a Conditional Use Permit.
- 8. Prior to the issuance of any permits for this project, the Board shall consider and approve an amendment to the existing Village of Pleasant Prairie-Sprint/Nextel Ground Lease that was originally executed by Village and Nextel officials on October 4, 2004.
- 9. For additional information pertaining to this proposed project refer to the attached Conditional Use Permit Application including Site and Operational Plans and the associated attachments.
- 10. The Communication Act of 1934 is the Federal regulation, which governs the telecommunications industry; Section 322 of said Act, as amended by subsection (6) (iv) of the Telecommunications Act of 1996, provides guidelines to state and local officials regarding the citing of antenna facilities. One such guideline governs what information

may be considered during the zoning approval process. That is, as long as the antenna facility complies with emissions standards established by the FCC in Section 704(b), it is considered that there are no health or safety risks posed by the equipment. Specifically, Zoning Authorities such as Plan Commissions may not directly or indirectly consider health and safety issues during the zoning process when considering the approval of the telecommunications facility.

11. According to the Village Attorney, James Baxter with Quarles and Brady, specifically Section 704 of the 1996 Telecommunications Act prohibits the state and local units of government from denying a wireless communication company's request for local zoning approval based upon environmental or health effects or concerns if the wireless communication company complies with the regulations on RF emissions set by the FCC.
12. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on May 25, 2007. Notices were published in the *Kenosha News* on May 28, 2007 and June 4, 2007.
13. The Village emailed and faxed the petitioner a copy of this staff report on or about June 8, 2007.
14. According to the Article XVIII of the Village General Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after reviewing the findings of fact, the application and related materials, as well as the information presented this evening, that the project as planned will not violate the intent and purpose of the Ordinance, and it shall not violate any Federal, State and County regulations, and it shall meet the minimum standards for granting of a Conditional Use Permit.

With that, I'd like to continue the public hearing. The petitioner is here to make some additional comments as part of that hearing.

Thomas Terwall:

Need your name and address, sir.

Kenneth Franzen:

Good evening ladies and gentlemen. My name is Ken Franzen. As it was stated, I'm with Fortune Wireless and representing Sprint/Nextel. Might I say that was quite thorough. It sort of took the thunder out of what I was going to say. But as she was saying, there's a 180 foot monopole up there right now, and the 25 by 40 fenced in leased area. There's a 9 antenna panel. We are looking to put in three more panel antennas and just an emergency generator. This is the only time this is going to be used is in case the electricity goes out, and then the rest of the equipment on the inside of the shelter right there.

So the tower is not changing in height. All that's being added is the three panel antennas. The generator is just your normal industrial heavy duty generator that you would see at construction sites. It's diesel. The gas tank is inside the generator. And, as stated, the triangle will now become a square in order to accommodate the other three antennas. Any questions?

Thomas Terwall:

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

Mike Serpe:

You have 9 heads on here right now?

Kenneth Franzen:

Nine antennas, correct.

Mike Serpe:

How many more carriers will this tower be able to accommodate?

Kenneth Franzen:

I believe this tower was built for three carriers altogether. That's why it was built at the 180 foot. Nextel originally just needed the 150.

Mike Serpe:

So how many more can go on there?

Kenneth Franzen:

Another two carriers.

Thomas Terwall:

And they would go higher than the 150?

Kenneth Franzen:

Yeah, they can go higher than the 150. It was built to 180 feet to accommodate some other carriers.

John Braig:

Will the emergency generator be test run on any set interval schedule? As I recall, and it's been years, but emergency generators as a matter of routine are run periodically just to ensure that they run.

Kenneth Franzen:

Yes, it will be run periodically.

John Braig:

And what is that schedule?

Kenneth Franzen:

I don't really know. And the reason I say that is because they're infrequently at the tower anyway. So it could be once a quarter, it could be twice a year just to see if it's still running right.

John Braig:

It would be done by personnel on the site rather than remote?

Kenneth Franzen:

This is not a remote.

Thomas Terwall:

In case of a power failure will that generator self-start or would somebody have to initiate the switch.

Kenneth Franzen:

I believe that the generator would self-start, yes.

Jean Werbie:

I would just like to mention that based on the foregoing information, the staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for the granting of the conditional use as specified above, then the conditional use permit shall be approved. And, again, with respect to the findings, conclusions and recommendations, there are basically six conditions as I have read into the record previously and as part of the staff comments that if they meet these tests for approval then they should be entitled to approval for this project. The changes or comments are attached as part of the staff recommendation.

Mike Serpe:

Question for you before we vote. Do you know if the lease agreement has been ironed out?

Jean Werbie:

I don't know that.

Kenneth Franzen:

I have been having trouble getting hold of Mr. Pollocoff. I have the amendment sitting here. We had sat down and talked about it, and what we're going to do, and this is exactly what I did do, one, the amendment does not change anything on the lease. It's just saying that we're leasing more property. As far as the price was concerned he said just divide what we're paying now into the square footage and added that to what is on there. So has it been signed as of yet? No. But, again, Mr. Pollocoff is sometimes hard to get hold of.

Mike Serpe:

And when is that lease agreement coming to the Board?

Jean Werbie:

If Mr. Pollocoff has an opportunity to review it before Monday night it would go before them Monday night. If not, it will be two weeks after Monday. Do we have a copy of that agreement?

Kenneth Franzen:

I have some with me.

Jean Werbie:

If I could take those I can visit with Mike.

Thomas Terwall:

In your discussion with Mr. Pollocoff was there any discussion of . . . what's your pleasure?

Mike Serpe:

Move approval.

Jim Bandura:

Second.

Thomas Terwall:

IT'S BEEN MOVED MIKE SERPE AND SECONDED BY JIM BANDURA TO APPROVE THE CONDITIONAL USE PERMIT AND SITE AND OPERATIONAL PLANS FOR THE REFERENCED PROJECT SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED IN THE STAFF MEMORANDUM AND THE

ACCEPTANCE IN THE FINDINGS OF FACTS AS READ INTO THE RECORD AND THE INFORMATION PROVIDED AT THE HEARING. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Kenneth Franzen:

Thank you, ladies and gentlemen.

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT the request of Kelly Stanich, agent for Westfield Development Corporation, owner, for a Conditional Use Permit to use the home constructed at 7106 91st Avenue as a Model Home & Sales Center for the Westfield Heights Subdivision.

Jean Werbie:

Mr. Chairman, members of the Plan Commission and the audience, this item is a request for a conditional use permit at the request of Kelly Stanich, agent for Westfield Development Corporation, owner, for a Conditional Use Permit to use the home constructed at 7106 91st Avenue as a Model Home & Sales Center for the Westfield Heights Subdivision.

Before you is the listing of staff comments in pink. Those will be the staff comments I am reading from this evening. In addition, the original staff comments that were in your packets have Exhibits 1 and 2 attached. So 1 and 2 will be the exhibits that formally are the attachments for this staff memo.

As findings of fact as part of the hearing record this evening:

1. The petitioner is requesting a Conditional Use Permit to use the home constructed at 7106 91st Avenue as a Model Home & Sales Center for the Westfield Heights Subdivision. This is provided as Exhibit 1.
2. The subject property is known as Lot 1 in the Westfield Heights Subdivision and is located in a part of the Southeast One-Quarter of U.S. Public Land Survey Section 5, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie and further identified as Tax Parcel Number 91-4-122-054-0301.
3. Westfield Estates Subdivision in zoned R-4.5, Urban Single Family Residential District and pursuant to Section 420-109 C (1) (b) of the Village Zoning Ordinance, model single-family homes and related temporary real estate sales offices or marketing centers are allowed in the R-4.5 District with the approval of a Conditional Use Permit.

4. On May 15, 2007, a verbal to occupy this home was issued by the Village Building Inspection.
5. The petitioner is proposing to have regular hours on Saturdays and Sundays from 12:00 to 4:00 pm. Parking is proposed within the existing driveway and on 91st Avenue adjacent to the lot. Floor plans and lot/home pricing will be distributed from this home during open hours. There will be no sales office in the garage or inside the home.
6. Pursuant to Section 420-148 (67) of the Village Zoning Ordinance, the Model Home and Sales Center may be located in a new development for a period not to exceed two years from the date of occupancy, and the Plan Commission may set specific time frames for which the model home and marketing center can be open. Village staff recommends that the Model Home and Sales Center be allowed to be open on Saturdays and Sundays for the requested time 12:00 to 4:00 p.m. and by appointment however, the Model Home & Sales Center shall not be open past 9:00 p.m.
7. Notices were sent to adjacent property owners via regular mail on May 22, 2007 and notices were published in the *Kenosha News* on May 28 and June 4, 2007. This provided as Exhibit 2.
8. The petitioner was faxed a copy of the memorandum on June 8, 2007 and this revised memorandum on June 11, 2007, including the revised Fire & Rescue Department comments.
9. Pre-set conditions for approval of model homes are set forth in the Village staff recommended conditions of approval as identified in this Village Staff memorandum
10. According to Article XVIII of the Village's Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing this evening that the project as planned, will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit.

With that, I'd like to continue the public hearing. The petitioner is in the audience if you have any further questions for him.

Thomas Terwall:

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

Doug Stanich:

My name is Doug Stanich and I reside at 9110 Prairie Village Drive and basically I'm here to answer any questions that you might have.

Thomas Terwall:

Anybody else wishing to speak? Anybody else?

Mike Serpe:

A couple questions. Doug, is this house totally completed right now?

Doug Stanich:

Yes, it is and it's decorated and furnished.

Mike Serpe:

It's ready to go?

Doug Stanich:

It's ready to go.

Mike Serpe:

How far away are we with the road on 70th?

Doug Stanich:

On Wednesday morning at approximately 7 a.m. they'll be there. You can all be there to celebrate with me. The road will be, yeah, they're going to start regaveling the road, tear it up and then put it back down again. And we should have it paved by the 27th.

Mike Serpe:

Okay, good.

Thomas Terwall:

Anything else?

Jean Werbie:

The Village staff has determined that based upon the foregoing information presented in the application and the public hearing this evening, that the project meets the following standards for the granting of a conditional use permit in that the project does not impede the traffic patterns on the site or cause traffic congestions or circulation problems, does not impair an adequate supply of light or air to the adjacent properties, does not create danger of fire, does not create storm water or drainage problems, has no existing identified hazard, offensiveness, nuisance or inconsistency that would endanger the public health, safety or welfare. The proposed and applied for use on this parcel is not inconsistent with the R-4.5 Urban Single Family Residential District

in which it's located or the adjoining residential neighborhood. And the proposed and applied for use will comply with all applicable Village ordinance requirements as well as other applicable federal, state and other local requirements. Based on this information the staff recommends approval of the project subject to the comments and conditions as outlined in the staff memorandum.

Wayne Koessl:

Mr. Chairman, I feel this meets all the requirements of the conditional use permit and I would move approval subject to the conditions outlined by staff.

Judy Juliana:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO APPROVE THE CONDITIONAL USE PERMIT FOR THE REFERENCED PROJECT SUBJECT TO THE TERMS AND CONDITIONS AS OUTLINED IN THE STAFF MEMORANDUM AND THE ACCEPTANCE OF THE FINDINGS OF FACT AS READ INTO THE RECORD AND THE INFORMATION PROVIDED AT THE HEARING. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Two points before we move on. Number one, let the record show that Andrea Rode, Commissioner, is now in attendance. Secondly if you, and I'm sure you did, read your original submittal that we received, in the Fire Chief's comments he had listed as a requirement that this model home include exit lights and emergency lighting. I spoke with Jean this afternoon as well as with Commissioner Serpe with several concerns, the least which is if we're going to do this that ought to be part of an ordinance that ought to come through the Village Board. I don't think that the Plan Commission ought to be setting any of the policies. It has never been a policy before that a model home had to have that.

Secondly, if we're going to do that that's got to be something that's enforced on everybody and not just at the last minute. If I ever get to vote on it I don't know how I'm going to vote because I'm not so sure that exit lights and emergency lighting are necessary in a home that's only going to be used for a period of time as a model home.

John Braig:

I'm curious what does he define as emergency lighting?

Thomas Terwall:

Battery backup, the lighting that would go on in case of a power outage.

Jean Werbie:

Mr. Chairman, it was incorrectly put into this memo. It was for a different project that that particular condition was placed in. It was for a condominium project. It was not intended to be in this single family home at this time until, again, there was further discussion or it was inserted in another location. So it was a mistake.

John Braig:

A dead issue.

Thomas Terwall:

We'll move onto Item C.

Wayne Koessl:

Mr. Chairman, I'd like to move that we table Items C, D, E and F.

Mike Serpe:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO
TABLE ITEMS C THROUGH F. DATE SPECIFIC?**

Jean Werbie:

Yes. Again, this is due to developer proposed modifications to a number of the items related to those four items on the agenda. And they requested that these items be tabled until the Monday, June 25th Plan Commission meeting which is two weeks from this evening.

Thomas Terwall:

Thank you. All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

G. Consider the request of Scott Webb of GHA Architects, agent, on behalf of Prairie Ridge Investors, LLC, the current property owner, for Site and Operational Plan approval for the proposed 5,520 square foot TGI Friday's restaurant proposed to be located at the southeast corner of 75th Street and 99th Avenue in the Prairie Ridge Commons Planned Unit Development.

Jean Werbie:

Mr. Chairman, this is a request of Scott Webb of GHA Architects, agent, on behalf of Prairie Ridge Investors, LLC, the current property owner, for Site and Operational Plan approval for the proposed 5,520 square foot TGI Friday's restaurant proposed to be located at the southeast corner of 75th Street and 99th Avenue in the Prairie Ridge Commons Planned Unit Development.

Under site and operational plans, at this time the petitioner is seeking Site and Operational Plan approval for a proposed 5,520 square foot TGI Friday's restaurant proposed to be located at the southeast corner of 75th Street and 99th.

As part of some background information, on November 13, 2006, the Village of Pleasant Prairie Plan Commission recommended conditional approval to the Village Board of Trustees and on November 20, 2006 of the following:

- A Certified Survey Map to subdivide the property into a 4.165 acre property into two parcels to accommodate the proposed Prairie Ridge Commons multi-tenant commercial development which is currently under construction on the 2.41 acre Lot 1, and to accommodate a future restaurant on the 1.755 acre Lot 2.
- Secondly, there was a Zoning Text Amendment which created the specific Ordinance requirements for the Prairie Ridge Commons Planned Unit Development (PUD).

Under zoning and general site development, the TGI Friday's parcel is zoned B-2 (PUD). The restaurant is proposed to be 5,520 square feet, 25 foot high at the tallest portion of the varying parapet walls and will be constructed on the 1.755 acre, triple-frontage property as identified.

Under operations, according to the applicant-submitted Operational Plan, TGI Friday's has signed a lease with the property owner, Prairie Ridge Investors, LLC. TGI Friday's has an option to purchase the property from Prairie Ridge Investors, LLC. The anticipated hours of operations for the restaurant/bar facility are from 8:00 a.m. to 1:00 a.m., with the facility being open to the public from 11:00 a.m. to midnight. At full staff levels, the restaurant may employ approximately 120 employees working three shifts with about 30 to 35 persons per shift depending on the day of the week.

Under traffic, parking and access, pursuant to the Operational Plan, they are anticipating one to two truck deliveries expected per day. During the average weekday lunch period, 161 total vehicle trips are expected to be generated from this site. During the average dinner hour, 112

total vehicle trips are expected to be generated from this site. Pursuant to the Zoning Ordinance, 70 parking spaces, plus an additional 5 handicapped accessible parking spaces are required for a restaurant of this size. The plans indicate that there will be 112 standard plus an additional 5 handicapped accessible parking spaces, and we know from other restaurants on Highway 50 that the more parking spaces the better, especially with newer uses along Highway 50. The primary access drive to TGI Friday's will be via the shared westernmost Prairie Ridge Commons driveway from 76th Street that is centered along the Lot 1 and Lot 2 property line. An additional east driveway on Lot 1 can also provide access to TGI Friday's. There is no direct TGI Friday's driveway access from either 75th Street which is Highway 50 or 99th Avenue.

Dedications and easements were recorded as a part of the Certified Survey Map, CSM #2559, that created the two Prairie Ridge Commons lots. Specifically, these Dedications and Easements grant reciprocal vehicular and pedestrian cross-access, parking & maintenance between Lots 1 and 2. These Dedications and Easements allow the development on both Lots 1 and 2 the right to utilize shared parking and access to both sites.

Under easements the concern, just to re-emphasize, it was very important that they have cross-access easements back and forth when the target and Shoppes at Prairie Ridge project continues to the south. Obviously, there will be some additional parking to the south, but our main focus is we want parking in these lots. We do not want any parking along 76th or 77th Streets or 99th Avenue or Highway 50.

Under Prairie Ridge Commons PUD, the Prairie Ridge Commons PUD was adopted by the Village Board with goal of facilitating an aesthetically unified commercial development, with the additional goal of encouraging proper maintenance of the structures, landscaping, parking areas, lighting, signage and general site development so as to promote an attractive and harmonious commercial development area. Under this premise, the TGI Friday's building will incorporate similar exterior building materials and to some extent an architecture that has been approved by prairie Ridge Commons. TGI Friday's has a very unique image that they are trying to proceed with across the country with their new restaurants. So, as you can see, we wanted to incorporate some of that style and design. We did not want to eliminate that, but through materials and some of the other exterior items, the cornice on the buildings and lighting and some other things we're able to tie the two together. But we did not want to create a center that was so identical that there was no identity to that specific restaurant or use.

Pursuant to the adopted PUD, Ordinance #06-56, following is a listing of some of the more pertinent PUD provisions. There are four of them listed.

1. The setbacks for parking spaces and parking lots have been reduced to allow zero setbacks to property lines between the two uses whereby a 20 foot typically is required between property lines.
2. The Aggregate Permitted Background Commercial Advertising Sign Area, the wall signage, we recommended that that be increased to 250 square feet. Again, this is a little unique. They have triple frontage lot and visibility basically on three sides to the general public and then a fourth side to the east. So we felt that was not much of a compromise from the Village's standpoint.

3. The lot size for Lot 2 has been reduced to allow Lot 2 to have a minimum lot size of 1.75 acres, whereby a minimum for the ordinance is two acres.
4. The open space for the development was reduced to allow the PUD development to maintain a minimum 25% open space, whereby a minimum 30% is required.

A couple other points, open space, the plan proposes 26.1% open, impervious space which is green space on the development site. With respect to environmental conditions, the property does not contain any wetlands, floodplain or shoreland on this property. And, finally, utilities, TGI Friday's will connect to municipal sewer as well as water from 76th Street and will be interconnected to the storm sewer system within the parking lot and then eventually tied into 76th Street.

With that there is a representative here from TGI Friday's if they'd like to make a further presentation or would like to talk about when the store might commence construction.

Scott Webb:

Good evening, Scott Webb with GHA Architects. We're the representatives for TGI Friday's. With me I have Justin Moeller, our civil on the project. We appreciate the time coming here tonight. There's been a lot of comments made and we received those last Friday. We're willing to work with all the comments. There was one that I did have, Jean. It spells out a 30 foot driveway width. We've matched the existing on site of 24 feet to make all the drive aisles meet up. So we would like to make sure that is addressed tonight . . . Fire Marshal . . . going with 30 foot it's going to impact the site a lot. Other than that I'm free to answer any questions you all might have tonight. Once again, I appreciate your time.

Mike Serpe:

Let's talk about what you're asking for here. You're opposing a 30 foot driveway width?

Scott Webb:

In the comments we received on Friday, there were some comments that we were required to have 30 foot drive aisles. In the PUD that was approved a couple months ago when they started the project that Mark was involved in, 24 feet is what was designed into it.

Mike Serpe:

What's the one that we're looking at, Jean?

Jean Werbie:

I think what the Fire Chief may be thinking about is the drive through and the aisle that's going to the east around the back of Prairie Ridge Commons and then the drive through around the Starbucks and then coming around and through. That was going to be 30 feet. But I believe that the 24 foot as was approved in the PUD was going to be acceptable as it is for all the aisles in

between the parking spaces. I'll need to confirm that with the Chief but that's how we had laid it out initially. I'm not sure if he had recalled that.

Mark Molinaro:

If I could, Mark Molinaro, Partners in Design Architects. We had the same comment from the Chief in our original submittal. Then I had a conversation with him based on the language that we had in the PUD which allowed us to go to 24 feet. That is internal circulation, access roads and private roads, internal site circulation access roads and private roads serving Prairie Ridge Commons shall be constructed of all weather paved surface roadway with a minimum width of 24 feet as measured from face of curb to face of curb. So that was the entrance drive and all the circulation on the site. And if I recall Chief Guilbert in our conversation was okay with that as long as we maintained the turning radiuses. And he understood the compromise in terms of putting together the PUD. I mentioned to Scott that we should make sure that it all carries over to their site before we leave here tonight just to make sure we were all together.

Jean Werbie:

I believe that is correct.

Mark Molinaro:

It's 2E under the Ordinance 06-56 which was the Prairie Ridge Commons Planned Unit Development.

Jean Werbie:

I'm not sure if the staff had provided the Chief with a copy of the PUD a second time when he was reviewing the Friday's plans so I'm sure that is correct. Those were some of the statements that we had made in our conversations between the architect and our staff.

Mike Serpe:

One other question I have. When approved the Famous Dave's parking lot, it's I guess sized to the business but now the street is full of the employees' cars. Are we going to run into the same problem here?

Jean Werbie:

I believe that Famous Dave's has a lot less parking than Friday's does. But the other thing that Friday's has here is that they have Prairie Ridge Commons adjacent to it wherein they are going to be sharing cross-access easements with, so there's quite a bit of additional parking that's available to them just to the east. And we have indicated several times that if it becomes a problem we're going to need to post no parking on 99th as well as 76th/77th. And I know that Famous Dave's has taken some steps towards leasing some additional space from the hospital and transporting their employees and such. But at any point in time we certainly could move forward to post it as no parking. There also has been some discussion with Ajay Kuttemperoor with

respect to them getting some additional land. And eventually there will be some continuing cross-access easements to the west so Famous Dave's can cross-access to the west as well.

Mike Serpe:

That area is not going to get any less dense, so let's address that now.

Thomas Terwall:

This time of the year it's not a problem but in the wintertime it was a very serious problem, very narrow.

Jean Werbie:

I guess I do have to mention that just like with Famous Dave's I'm hoping that Friday's is so successful that for six to eight months they could be jam packed out there, and we might have to work with the situation. Our roads are pretty wide. 76th/77th is 70 foot in right of way so we have enough for two travel and two parking. It's certainly not an ideal condition, but eventually as the additional area starts to build up we would like to have the situation where everyone is on or in a parking lot but not on the road. They're aware of that concern as well. And if it becomes an issue we will do something with respect to it.

Mike Serpe:

As long as we're aware of it.

Scott Webb:

The comment was passed on to operations when I got it so they are aware that employees will not be allowed to park on the road.

Mike Serpe:

Good luck on that.

Scott Webb:

I don't run operations but we have made the comment to them.

Donald Hackbarth:

Move approval.

Judy Juliana:

Second.

Thomas Terwall:

It's been moved and seconded to approve.

Wayne Koessl:

Mr. Chairman, before we vote, on the width of that road is that going to be relayed to the Chief in part of the minutes so it reflects that?

Jean Werbie:

Yes, and I believe the architect might have another comment regarding the project?

Mark Molinaro:

I do if I could. I was just going to take a quick look. I don't know if you've got comments afterwards and I don't see that you do so I'd like to make one now. Just first off with regard to TGI Friday's, certainly I'm speaking on behalf of Prairie Ridge Investors which is Gene Ventura who I think right about now is somewhere in Utah in his trek out to San Diego. But certainly we're supportive of the project. We think the building will be an attractive addition to the whole development. We couldn't be happier, Jean, quite honestly and Tom, and again I'll thank both of them for their hard work with Prairie Ridge Commons and putting that together. Jean, myself, we couldn't be happier with the end product that we're pulling together out there and we think Friday's would be a great addition to that.

I'm very disappointed, however, and I know you're struggling and you're working with it, that we had four items ahead of us that were postponed or put on the table again this evening. And if I can say one thing to the Commission and to staff, and these aren't the two guys who can answer it, but we have a contract with TGI Friday that if Target doesn't go they don't have to go. We're very optimistic that they will, not Target, we're very optimistic Target will as well, but we're optimistic that TGI Friday's is going to go. You've got a heck of a set of documents sitting by the door right there that we anticipate they're going to move forward either way. Although our contract certainly gives them an out if Target does not come along. I know you've been working on Target for a long time. Again, we're out ahead of the curve. We didn't wait for Target to go. We thought the development was the right thing to do at the right time. We have other tenants who are tentatively committed. Again, they're tied to Target in some form or fashion. So if there's any way to move that along, we've said it to you before and I'm saying it again publicly, we want Target. More importantly we want that whole area to be successful. So I appreciate all your time. Thank you.

Thomas Terwall:

Wayne, any comment?

Wayne Koessl:

No, I'm just glad that it's in the record.

Thomas Terwall:

THERE'S A MOTION BY DON HACKBARTH AND A SECOND BY JUDY JULIANA TO APPROVE THE SITE AND OPERATIONAL PLANS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

7. ADJOURN.

Mike Serpe:

So moved.

Wayne Koessl:

Second.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

We stand adjourned.

Meeting Adjourned at: 5:45 p.m.