

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
June 25, 2007**

A meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on June 25, 2007. Those in attendance were Thomas Terwall; Donald Hackbarth; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; and Judy Juliana. Michael Serpe and Larry Zarletti were 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. CITIZEN COMMENTS.**

Thomas Terwall:

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

**5. OLD BUSINESS**

Wayne Koessler:

Mr. Chairman, with your permission, seeing as they're all interrelated, I'd like to remove Items A, B, C and D from the table.

Judy Juliana:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO REMOVE ITEMS A, B, C AND D FROM THE TABLE SO THAT THEY CAN BE DISCUSSION. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

- A. **TABLED consideration of the request of VK Development, property owner, for an extension of the December 5, 2006, Village Board conditional approval of a Certified Survey Map to subdivide Tax Parcel Number 91-4-122-182-0135, located within the Prairie Ridge commercial area, into three (3) lots and one (1) outlot.**
- B. **TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT for the request of Gershman Brown Associates for a Zoning Text Amendment to repeal and recreate Section 420, Attachment 3, Appendix C 1. of the Village Zoning Ordinance pertaining to Specific Development Plans, entitled "1. Prairie Ridge Planned Unit Development (Ord. #00-43)". Prairie Ridge is a mixed use development generally located south of 75th Street, north of Prairie Ridge Boulevard, east of 104th Avenue and west of 88th Avenue.**
- C. **TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT for the request of Gershman Brown Associates for a Zoning Text Amendment to repeal and recreate Section 420 Attachment 3, Appendix C, Specific Development Plans, entitled "17. The Shoppes at Prairie Ridge Commercial/Office Development PUD (Ord. #06-15)" of the Village Zoning Ordinance. The proposed Shoppes at Prairie Ridge development is generally located south of 76th/77th Streets, north of Prairie Ridge Boulevard, east of 104th Avenue and west of St. Catherine's Hospital.**
- D. **TABLED consideration the request of Gershman Brown Associates, for Site and Operational Plan approval for The Shoppes at Prairie Ridge, a proposed commercial retail development consisting of a 126,842 square foot Target store plus additional retail space, all totaling approximately 340,000-400,000 square feet, generally located at south of 76th/77th Streets, north of Prairie Ridge Boulevard, east of 104th Avenue and west of St. Catherine's Hospital on a portion of Tax Parcel Number 91-4-122-082-0135.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission and the audience, this is a request this evening for the Gershman Brown and VK Development and Target Corporation. It's a joint application and effort by a number of petitioners for consideration of four different items on the agenda as tabled items, the certified survey map, the zoning text amendment, another zoning text amendment as well as site and operational plan. There are two new items actually on the agenda as well which I'll be talking about next after this presentation, and that will be for the development agreements. The first development agreement is for improvements to Highway 50

as it relates to this project, and the second is the on site public improvement sewer and water and storm improvements that will service The Shoppes at Prairie Ridge and the Target project.

Specifically, this project is located within the Prairie Ridge Neighborhood Plan area which is south of Highway 50 between 104<sup>th</sup> Avenue on the west and St. Catherine's Hospital on the east. It's north of Prairie Ridge Boulevard area. In the neighborhood plan it's the area that's identified as a community commercial area on our plans and is also identified as an area that's going to be developed as a B-2 or Community Business District area.

This project has seen several approvals over the last year or year and a half, and I'd like to just briefly highlight these approvals for you. We have discussed these in the past, but as you can see this has been a large undertaking by both the developers as well as the staff in bringing this project forward. The first was original preliminary site and operational plans on March 20, 2006, and these were preliminarily approved and they were primarily for early mass grading and underground utility site work.

The second item was a certified survey map that was presented by VK Development on March 20, 2006. The Board had conditionally approved the CSM. This was to subdivide 43 acres of the property into three lots and one outlot. Next, there was a zoning map amendment that was also approved by the Village Board on March 20<sup>th</sup>, and this was to correct the zoning map as a result of a redelineation of a wetland area, as well as to identify a portion of this property as in the PUD overlay district area.

Next, on March 20, 2006, the Village Board conditionally approved a zoning map amendment to amend the zoning ordinance known as The Shoppes at Prairie Ridge and this was the PUD for the Target and Shoppes project. Fifth, a final site and operational plan was approved on May 22, 2006, and this is when the Plan Commission approved the final site and operational plans for the 126,842 square foot Target store as well as The Shoppes at Prairie Ridge, just the basic master plan. Then, finally engineering plans on May 26, 2006 were also approved by the Plan Commission.

With respect to some background information for this project, the entire Prairie Ridge project as you know is over 400 acres in size. It's a mixed use residential, institutional and commercial development is generally located south of Highway 50, north of Wilmot Road, east of 104th Avenue and west of 88th Avenue in the Village.

There are several commercial land use developments that have been constructed within Prairie Ridge over the last several years. They include Prairie Ridge Marketplace, M & I Bank, Famous Dave's and a Holiday Inn Express. Additionally, two retail commercial buildings are under construction that are known as Prairie Ridge Commons are also a part of this project area. A number of institutional use developments have also been constructed within Prairie Ridge and they include St. Anne Catholic Church, Extended Love Daycare Center, Pleasant Prairie Elementary School/Park, St. Catherine's Hospital, Grande Prairie Nursing Home and Hospice Alliance.

The residential development in this project area included the Prairie Ridge Senior Center and then a second addition to that senior center known as Prairie Villa Senior Apartments. The Village Board had approved the original final plat for single family development in 1998. The

neighborhood plan was then readopted in 2004, and then in 2005 we approved a master conceptual plan for development.

For the project this evening, VK Development CSM Shoppes at Prairie Ridge, we have a parent parcel that is approximately 43 acres. This is the area that's south of 77<sup>th</sup> Street, west of St. Catherine's, east of 104<sup>th</sup>. The zoning for Lots 1, 2 and 3 will be B-2 PUD. The PUD is the Planned Unit Development Overlay. Outlot 1, which is at the far west end, is an area that's being designated as C-1, which is a Lowland Wetland Conservancy Area that was field delineated. And then there's some non wetland area in Outlot 1 that will be identified as PR-1. This is just another overview of the certified survey map that you have in your packets. Again, this is the first of two CSMs. This is a slide of the wetland area and the non wetland area. As you know, the wetland delineations for this project, as with other projects in the Village, are valid for five years, and so if the project doesn't commence within that five year time period some new delineations need to be made. But in this case we're working with this currently delineation and the wetland is self-contained within the entire outlot.

With respect to some existing utilities in this particular property, there is an existing 18 inch sanitary sewer main within a 30 foot wide easement. It's identified on the slide to be vacated because the sanitary sewer runs directly through the site and through the property. And where the new Target and Shoppes at Prairie Ridge project is going to be located, it would be located right on top of this particular easement. So one of the tasks for the developer is going to be to relocate this sanitary sewer line and easement around the south part of the building so that no portion of any structure is on top of that sanitary sewer line.

A couple of other items within the certified survey map identify the new sanitary sewer and storm water easements. Again, this is all included with your packets. There's also a dedicated public water main that's going to be servicing the site. The certified survey maps identify where the sanitary sewer, where the water and where the storm sewer easements are going to be located.

In order to accommodate The Shoppes at Prairie Ridge commercial development, VK Development plans to sell approximately 32 acres or Lots 1 and 2 of this CSM to the developer. The developer is Gershman Brown. Subsequently, the 32 acre property then will be further subdivided into parcels and that will be another CSM on the agenda this evening.

The petitioner is requesting then two zoning text amendments. And what we're looking to do tonight is to repeal and recreate some language in the current ordinances that we have on file. The first is the Prairie Ridge PUD, Ordinance 00-43, the Prairie Ridge PUD, which was adopted by the Village Board on May 15, 2000. This pertains to and primarily regulates signage within the commercial area of the Prairie Ridge Development. As you will recall, when we originally put all the subdivision identification signage and residential identification signage, commercial identification signage, we had adopted a PUD in order to allow that type of signage and the size of those signs. And what we're doing this evening with respect to that ordinance is that we are modifying it, increasing some of the size of the signage like at 104<sup>th</sup> and 75<sup>th</sup> Street and we're adding some additional signage so that the commercial center can be more readily identified and recognized from the adjacent arterials.

The second zoning text amendment this evening is The Shoppes at Prairie Ridge Commercial/Office PUD. This was Ordinance 06-15. Again, we've made some modifications to

that particular ordinance. Some of those I will be talking about in just minutes, but basically this will apply to Lots 1, 2 and 3 and Outlot 1 of the certified survey map, and then it will be incorporated into any future divisions of land on this particular property.

As I was just mentioned, 00-43, these are some of the modifications. I decided not to go through every single line item in the ordinance with you, but we decided just to highlight some of these so they could get an idea of some of the changes. Again, the first one had to do with signs. Due to the several land divisions, we needed to update some legal descriptions and land areas. We needed to make some language changes to be consistent with the more current PUDs on file with the Village. We needed to incorporate some new exhibits. We added some additional sign locations, and we have also modified some sign heights. Again, this is an example of one of those non residential development identification signs that we have modified. Now all of the signs that come into the site, if they're going to be identifying Target or JC Penney or any of the commercial uses, they're going to have a very similar character, size, style, color, shape, and they will be at the major intersections as you enter off of the arterials.

The Prairie Ridge PUD to be amended includes those areas that are cross-hatched on this slide. The original ordinance really did pertain largely to the Prairie Ridge Marketplace and it provided a lot of details with respect to size and area, easement size, materials and things like that, so we threw some of these slides in in case there were any questions. Again, the intent is to use the same type of signage so that we remain a unified business development and character with respect to the signage.

One of the things that we've added to this particular project is that we are going to have more identification signage for JC Penney as well as Target and the other main tenants for The Shoppes at Prairie Ridge. And they will have entrance signage at 99<sup>th</sup> Avenue coming off of Highway 50. So in the very far corner of the Friday's property and Famous Dave's we are going to have areas for special signage to identify the stores in the back. These were already identified on the original plat for this subdivision but there were no signs that were very constructed there, and this just gives us a good opportunity to get some signage identification for them off site and adjacent to this development. And this is just another slide showing that location. There is going to be another project identification sign off of 104<sup>th</sup> and 77<sup>th</sup> Street. Again, similar size and character as the others to blend in with the site.

The second PUD that we are looking to amend this evening has a few more details. I'm just going to again highlight some of these instead of going through the entire ordinance with you. But in general since the adoption there have been some modifications to some of the language and the land areas, and so we're making those modifications in the PUD. One of the greater or more significant issues is that we've increased the square footage for commercial area from approximately 320,000 square feet to between 340,000 and 400,000 square feet for this center. The exact square footage of each tenant will be finalized as they finalize the agreements with each of the tenants so we'll know exactly. But we wanted to put a range of the square footage in so that we didn't have to come back and modify the PUD if there was a slight increase in the size.

The development also has two stand alone buildings. I think it's buildings 7 and 8 that are at the northern end. We handed out a separate site plan for you to take a look at. It's an 11 by 17 site plan, and if you look at the northern portion of that site plan, it's going to be up on the screen shortly, it does show a building just south of 76<sup>th</sup> Street, just south of the Prairie Ridge Commons,

building 7, and then building 8 which is directly south of Famous Dave's. So that's the change from the last time.

This PUD also allows for one of the lots in the Gershman Brown CSM, which is where building 7 is going to be located, that the acreage for Lot 1 can be less than two acres. They're looking for 1.06 acres for a minimum. This also allows for the eastern most north/south access maneuvering lane to be 14 feet from the east development site property line whereby typically 20 is required. We were having some problems with respect to the alignment of parking when we added a center boulevard so we did make some changes there. Some of the other modifications in general, building square footage, heights, numbers, materials, lighting types, parking ratios, locations, heights and areas, those were all different types of changes we had made.

Community benefits associated with the PUD and the previous one, they're still outlined as they were previously. Quality of future surrounding development, increased shopping options for the community, increased spending within the Village, spur of additional commercial development. We feel that this project will spur additional commercial growth in this particular area. Creation of a unified, harmonious development, increasing property values, increasing employment opportunities, increasing tourism, increasing tax revenues for the County and the State.

The proposed amendments as outlined in the slide address all of these various issues as they did the last time. We have just modified or updated or clarified some of those points some of which I'll touch on in the next couple of slides because we did make some modifications.

The next question is what does it take after the project receives Plan Commission approval. The next steps are erosion control permits, final site and operational plans need to be completed to satisfy all the conditions, State of Wisconsin construction plan approval and commercial building permit. As we have indicated previously in some of my comments that you have, they are intending to break ground and start on the project hopefully in July, so it's important for us to keep the project moving at this point.

The specific area of the site and operational plans, it's important to note that Lot 3, which is the area to the south of Target, that area is not included as part of The Shoppes at Prairie Ridge. That's the area where office buildings were being proposed just to the east of Hospice. That is not included as part of the site and operational plans this evening. We don't have any details. That land is still owned by VK Development and that's not intended for approval this evening with the exception of the certified survey map that creates that lot.

As noted earlier, in order to accommodate The Shoppes at Prairie Ridge commercial development, VK intends to sell approximately 32 acres which is Lots 1 and 2 of the VK Development CSM to Gershman Brown, and Gershman Brown plans to further subdivide this 32 acre property into building 1, building 5, stand alone building 7 being located on separate parcels, and then the remainder of the buildings, 2, 3, 4, 6 and 8 would be located together on a separate parcel. Again, the zoning on the property would remain as B-2 PUD and then we've got C-1 PUD and PR-1 PUD.

Surrounding zoning still remains the same. We've got the areas north of 76<sup>th</sup> and 77<sup>th</sup> Street as B-2 PUD, the uses of this I mentioned earlier. South of this project area immediately to the south is the Hospice Alliance and the Prairie Ridge Health and Rehabilitation facility, and further south

than that is the residential portion of Prairie Ridge. To the east of the site is I-1 PUD which is the home of the St. Catherine's Hospital facility, and west of this property is single family development along with the Chateau Eau Plaines single family development which is zoned R-4.

Now with respect to The Shoppes at Prairie Ridge, there are six buildings connected that are being proposed. Building 1 the proposed use is Target at 126,842 square feet. The second building is Pet Smart which is at this point at about 19,686 square feet. The third building is Dick's Sporting Goods at about 50,000 square feet. The fourth is an electronic store at just over 20,000 square feet. The fifth building is JC Penny at approximately 104,175 square feet. And then the sixth area which is The Shoppes area to the very far west end are smaller stores and that comprises about 20,443 square feet. The asterisk that you see identifies that they're still ongoing with some lease negotiations so that square footage could change just slightly.

Buildings 7 and 8, again, north of Target to the east is about 8,000 square feet just south of 77<sup>th</sup>, and the other corner just south of Famous Dave's is building 8 and that's just over 15,000. So at this point the total square footage for The Shoppes at Prairie Ridge is just over 364,000 square feet. I wish I could have had both of these up at the same time but, again, buildings 1 through 6 will be the in-line down at the south end of the development, building 7 directly across from Prairie Ridge Commons and north of Target, and then the building 8 outlot is just across from Famous Dave's.

What I'd like to do is just go over some of the elevations. The initial ones we have are black and white, but what I'd like to do is maybe even have the architect or someone from Gershman Brown come up and maybe they could interject right now. They could show us some of the renderings as opposed to me going through them all and then bringing them up to go through all of them as well. They do have some boards and we have some slides that are going to show.

John Braig:

On the boards there is appears as though Target is to our right, and yet on this plan sketch that we have here looking at it from the front Target would be the eastern most or on our left.

Jean Werbie:

Target is in the very far east.

John Braig:

The board I see up there on the upper left shows Target on the far right.

Jean Werbie:

There's different side views. There's a left elevation, a right elevation, a south elevation.

John Braig:

There it is. That's where it would be.

Jean Werbie:

Target extends a pretty long distance.

John Braig:

The other thing is you indicate that Dick's is 50,000 square feet. On the print here it says it's 29,946, and it doesn't look that much bigger than building 2 which is 20,000 so what is Dick's?

Jean Werbie:

The situation is that unfortunately this project has been in a state of flux, and the most current site plan we have is the one that is on the board. And that was the last one that they had provided to us last week. So maybe I could have Eric Gershman or someone go over each of the buildings and update all the numbers for you, because even the electronics store I think is a little bit bigger. Their ongoing negotiations with the tenants have been increasing these building sizes. So maybe, Eric, if we can start and you can take the microphone and start at the very far east end. The drawings that your architect just brought we have those on the slides, too. So if it's easier over there, we'll have them up here so I'm not sure which one would be easier for you to talk from.

Eric Gershman:

I'll point to the boards. Eric Gershman at 600 East 96<sup>th</sup> Street, Suite 150, Indianapolis, Indiana, 46240. The back measurements for the square footage Jean has it correct on her first slide. So starting with the eastern side these should all be linked as one long one. They're just to fit on one board. This is Target which is the same size that Jean was showing on that slide. The Pet Smart square footage remains the same as is Dick's Sporting Goods is 50,000 square feet. I'm not sure which plan you were seeing that they were smaller than that but this is 50,000 square feet. The electronics store is approximately 20,000 square feet. Moving further to the west Penney is 104,000 square feet, and then the remainder of the shops to the west, as Jean said, were the smaller shops and those will be divided into different square footages as we sign the leases.

John Braig:

There's no parking behind buildings 2, 3 and 4 then if Dick's Sporting Goods is going to be 50,000 square feet?

Eric Gershman:

That's correct. The loading is fitting back in there for building 2, 3 and 4. We have the loading docks set up for the trucks to make their maneuvers.

Jim Bandura:

Jean, this really isn't . . . .



Jean Werbie:

That one is outdated now. Eric, could you actually go through the square footage for me again. Target is 126,842?

Eric Gershman:

Yes, you have the right square footages on there.

Jean Werbie:

So the right square footages are the one that I read off?

Eric Gershman:

On your slide. Your slide was correct. A lot of this changed with the Dick's Sporting Goods. That caused some changes in square footages to the shops to the west as well as who they replaced.

Jean Werbie:

In order to accommodate the 50,000 square foot Dick's, they shifted everybody back and forth in order to accommodate him. So everything in the narrative right here is correct. The site plan that you have is for illustration, and actually the one that's on the board over there is now correct. In fact, we could pass that one around. That would be helpful for the Plan Commissioners.

Judy Juliana:

So page 15 is correct then in our packet?

Jean Werbie:

Yes.

Eric Gershman:

And the square footages for the outlots are the same, too, 7 and 8.

Jean Werbie:

Were there any questions regarding any of the colored renderings? Otherwise I'll go back and continue the presentation and we can come back to these.

Thomas Terwall:

Yes, I want to hold questions. Go ahead.

John Braig:

I have one question on the colored rendering.

Thomas Terwall:

John, I wish you'd hold it.

John Braig:

Okay.

Thomas Terwall:

This is a matter for public hearing. We should get through the presentation and then go back to it.

Jean Werbie:

This is an important slide that gives you the overall square footage of the entire site. The north elevations of buildings 1 through 6, as you can see what we had been doing with them is identifying exactly all of the materials and the locations of the materials, and we actually have much larger versions of these that show you the north elevations and each of the elevations. It was very important that the selection materials remain the same from one end of the center to the other. There's a variety or mix of materials but they vary. So we've got stone, we've got brick, we've got concrete block, we've got some architectural precast panel a little bit on Penney's and some of the other stores. So we've got a mixture of a number of different types of materials. But, again, it blends throughout the entire center.

The Target elevation is the furthest one to the east. And what you're seeing is a portion of the north elevation of Target. The next elevation will be the Pet Smart moving to the west. The next will be Dick's Sporting Goods. The next will be a major electronics store. So now we've got four of our big box areas covered. Then we've got the JC Penney elevation. Then on the very far west elevation we have a mixture of smaller tenants. It could be seven very small tenants or it could be two or three tenants. At this point they have no names identified for us. So depending on what user comes in there they might take up multiple spaces at that location.

Then we've got some elevations at the back of the building as well. What you're not seeing is there's a small berm and there's going to be evergreen plantings along the whole back of the building as well. This building backs up to Grand Prairie, Hospice, and then to the office buildings that VK is going to be building. This doesn't back up directly onto Prairie Ridge Boulevard.

There's some stand alone buildings as I mentioned, buildings 7 and 8 at the northern end of the site. And for these buildings we tried to mirror very closely the Prairie Ridge Commons buildings directly across the street and yet pick up the materials from the in-line stores at The Shoppes at Prairie Ridge. They also provided us some of the details with respect to the similar materials and type of materials for bollards and benches and garbage facilities and landscaping. They're going to be creating landscaped islands throughout this whole walkway as you're walking from one end

to the other. This just, again, provides some of those details that are shown on the landscaping plans as to some of the landscape features that are going to be present throughout the front of the facility.

We have the Target Store, building 1 north elevation. This is the east elevation for the Target store. This is the right or the western elevation and the wider gray area is where it's going to be attached to the adjacent building. This is the rear elevation. They did a perspective looking two different directions. I believe this is the one that was probably in the Kenosha newspaper over the weekend. Again, they did elevations looking southwest and kind of southeast. Here's the southeast elevation, the front of the store.

Upon approval of the site and operational plan, Gershman Brown will commence the mass grading of the project area which will consist of Lots 1 and 2 of the VK site. Again, it will not include Lot 3 because that will be retained by VK Development for future office development. Prior to commencing any earth moving the required erosion control permits must be obtained by the Village. We'll need to hold a preconstruction meeting because the underground utilities for sewer and water and a small portion of storm sewer will be public, so the Village will be field staking and inspecting those public improvements on the site.

Building construction for the Target Store, which is building 1, and the JC Penney Store, which is building 5, will be done by those companies' contractors. So we're going to have a number of different contractors out on this site working on the project at the same time. The remainder of this particular work will be done by Gershman Brown. The Village will be doing field staking and inspection of public-related improvements.

As part of the compliance with the security ordinance an on-site security room devoted solely to the computerized camera system for monitoring by the Pleasant Prairie Police Department will be provided with the development. Additionally, exterior parking lot lighting standards will be added to meet standards throughout the development shall be of a design that should be able to accommodate the cameras if needed. We have had some ongoing discussions with Gershman Brown as well as VK Development as to whether or not there's going to be any modifications to the security system on this site. We have not concluded staff discussions with the Village attorney's, the Administrator, myself, the Police Chief, the IT Director and the Developer, so we do need to have some additional discussions with respect to how security cameras are going to service this site. The Village Security Ordinance is clear today that it does require that the developer install these security cameras and be responsible for the maintenance and the installation of these cameras. Again, the Village staff is willing to have some ongoing discussions with the Developer, but in absence of an Agreement being made, the Village Ordinance will control. But we will continue to work with the Developer to see if we can work out any other arrangements with them.

The total building square footage is 364,677. We have identified the total parking requirements for the ordinance at 1823. The total that is being provided for the plans is 1629, so they have requested and the staff is willing to agree on a slight modification. We have pretty high parking standards set forth in our zoning ordinance for parking on this site. They have I believe discussed this issue with each of the major retail tenants to ask them what their parking ratios need to be in order for them to locate to this location, and I believe that their tenants were all in agreement with respect to the parking ratios as set forth on the plan. 4.3 parking spaces per 1,000 square feet is

what will be allowed per the PUD. Customer and employee parking shall not be permitted on any public streets including but not limited to 75<sup>th</sup> Street, 76<sup>th</sup> and 77<sup>th</sup> Streets, 99<sup>th</sup> and 104<sup>th</sup> Avenues and Prairie Ridge Boulevard. So it's very clear that they need to have adequate parking on site for their employees as well as their customers. On site parking shall be designed to accommodate all employees, visitors and patrons. Parking on neighboring properties is not allowed without the property owner's and Village approvals. If there are cross-access easements that are provided then that's fine, but we need to have copies of those and understand the relationship with respect to the cross-parking.

As I indicated earlier in order to create a common theme between all the commercial retail buildings 1 through 8, the buildings need to have similar themes, similar materials or same materials, appearance of the two story structure, varied roof and parapet heights. They need to incorporate building jog using pergolas. They need to incorporate glass store fronts, integrate awnings, canopies and covered walkways where appropriate, and include landscape areas along the storefront. The development will incorporate the same light poles and fixtures that's being used at the Prairie Ridge Commons development, 20 feet in height, and that's the development directly to the north of this project.

This is a photograph of the Prairie Ridge Commons development that's under construction right now and the lighting standards that we had agreed to with respect to that project. Again, in order for this area to look like it's more of a unified development, we wanted to make sure that there were some unifying features not only on this site but from the Prairie Ridge Commons site as well. This is just another illustration of that light standard. One of the concerns that one of the Plan Commissioners had the last time this was being discussed was we wanted to make sure that the fixtures were cut off, directed downward and that they didn't glare onto the adjacent properties and yet provided sufficient light. So that's why we were looking at this type of fixture.

Pursuant to the B-2 zoning district regulations, each development site shall provide a minimum of 30 percent open impervious space. Again, one of the things we looked at in order to get enough parking for a center of this size is we recommended and worked with them to reduce the open space requirement down to 20 percent. There are no wetlands, 100 year floodplains, shorelands or corridor that are going to be encumbered or filled or encroached upon as part of this development. In fact, the only area that has wetlands is that Outlot 1 which is on the far west side of the site and that area is not going to be disturbed. A copy of that wetland.

With respect to site access, the commercial retail development site buildings 1 through 8 will have the following commercial access points. There will be five points of connection from 76<sup>th</sup> and 77<sup>th</sup> Streets with the main entrance, median boulevard, entrance drive extending due south from 99<sup>th</sup> Avenue, one from 104<sup>th</sup> Avenue and one future drive from Prairie Ridge Boulevard along the extreme east property line. So it will come up from Prairie Ridge Boulevard and it will come north to the very east side of Target. All driveway access points will need to be aligned with existing driveways located directly across the street. If no driveway currently exists across from the development, because we do have some of that in the northwest corner, then any future driveways will need to align with the driveways being set with this development.

As proposed, there's no connections to the western St. Catherine's north/south private access road without approval from St. Catherine's. In speaking with them the other day they indicated at this point they did not want to see any direct cross-access into their north/south driveway.

Again, if there's some discussions at a future date that they could accommodate that, that would be up to St. Catherine's to work that out with Gershman Brown.

The Target Gershman Brown, all involved property owners shall grant one another pedestrian, vehicular, driveway and parking access agreements as well as public utility easements agreements to allow for cross-access, cross-parking and the sharing of utilities from one site to the other. Private drives and maneuvering lanes from the public roadways will further facilitate on-site vehicular traffic flow. Any required street improvements associated with the on-site development shall be paid for by the developer or by the property owner.

104<sup>th</sup> Avenue and 76<sup>th</sup> and 77<sup>th</sup> Streets and 99<sup>th</sup> Avenue roadways may be used as a secondary means to facilitate the delivery vehicle traffic to the site, especially for buildings 7 and 8, but it's intended that all of the truck deliveries and heavy equipment deliveries, everything else, needs to come off of 104<sup>th</sup> Avenue into the private drive at the south end of their site or at 104<sup>th</sup> Avenue at 77<sup>th</sup> Street. So we don't want and we want to expressly prohibit construction traffic from coming up Prairie Ridge Boulevard through and past the office buildings into the project area. We don't want heavy equipment coming and deliveries coming across to St. Catherine's Hospital property area on 76<sup>th</sup> Street or 99<sup>th</sup>. We want that traffic to be coming in off of 104<sup>th</sup>. And the Village will be the one if that changes at any point in the future that will be up to the Village Administrator or the Highway Superintendent to make those determinations or decisions. But we want to try to keep those roadways intact and free from mud and debris especially during construction.

What the project coordinators are looking for are some approvals this evening in order to immediately start grading and underground utility work in July. So those will be the first things that they'll start with once we get all the approvals in place. Before any actual earth moving activities can occur, they'll need to apply and pay for the erosion control, street sweeping and all the appropriate permits. All erosion control measures, stone tracking pads, silt fencing they'll need to be in place, and we will also need to make sure that we've identified clearly a parking area for construction vehicles as well as employees, contractors, others that will be doing work on the site so we know exactly where they're going to be parking during the construction process.

With respect to landscaping, all the landscaping for the development shall conform with the landscape plans for the project. There will be some berms and evergreens and landscaping plans through this site. There are landscaped islands throughout the parking lot area. There's landscaping in the back. There's a number of areas that do have some landscaping that is incorporated within the parking area. At one point we thought that maybe the hospital wanted to do some additional landscaping on their fire west side in cooperation with this project, and they've indicated that it's best that the landscaping for each project stay on its side of the property line. So for that reason each side will need to do their own landscaping along their property lines.

Prior to any occupancy a written verification letter needs to be provided along with an as built landscaping plan from the developer to verify that all the landscaping was installed per the original plan as approved by the Village. If weather doesn't permit the landscaping to be completed prior to the stores wanting to open or take occupancy, they will need to post landscaping bonds and give us some schedules as to when those landscaping improvements can be made.

At one point the developer talked about obtaining an early footing and foundation permit. Again, that's acceptable but not until after site and operational plans have been approved by the Village and permits have been received by the State.

Just to clarify again because this always seems to be an issue with no projects, no construction-related vehicle access from Prairie Ridge or 99<sup>th</sup> Avenue or traveling west on 76<sup>th</sup> Street from 94<sup>th</sup> Avenue in front of the hospital. We talked about the construction driveway access points. We need to have gravel tracking pads installed prior to getting any type of approval.

Next I actually have the last two items related to this project. I'm not sure if you wanted me to talk about those. Those are the two development agreements and the CSM. Did you want me to talk about those, or did you want to talk about all the tabled, or should we just bring it all up.

Thomas Terwall:

Go ahead.

## **6. NEW BUSINESS**

- A. Consider a Development Agreement between The Village of Pleasant Prairie and the Gershman Brown Corporation pertaining to the required public improvements to be provided, installed and constructed in the Target and Shoppes at Prairie Ridge Development.**
- B. Consider a Development Agreement between The Village of Pleasant Prairie, VK Development and the Target Corporation pertaining to the required State Trunk Highway 50 (STH 50) Transportation Improvements to be provided, installed and constructed by VK Development.**
- C. Consider the request of Gershman Brown Associates, agent, for approval of a Certified Survey Map to further subdivide Lots 1 and 2 (approximately 32 acres) of the VK Development CSM, pertaining to The Shoppes at Prairie Ridge commercial site, into four (4) lots.**

Jean Werbie:

The last three items related to this project to be considered under new business because they weren't tabled from a previous meeting, the first is a development agreement between the Village and Gershman Brown Associated pertaining to the required public improvements to be provided, installed and constructed in the Target and Shoppes at Prairie Ridge Development.

The next is a development agreement between the Village and VK Development, and I believe Target might be a co-signer and maybe Gershman will be as well, and this has to do with the required State Trunk Highway 50 improvements that will be required as part of the traffic impact analysis that was reviewed and approved by the Wisconsin Department of Transportation.

Then Item C, which is the next certified survey map, and that is to further subdivide Lots 1 and 2 which is about 32 acres of the VK Development CSM and this is, again, by Gershman Brown and that's to subdivide that project area into four lots.

My assistant, Tom, likes to put a lot of details in these PowerPoint presentations and he's not here tonight. I think it's safe to say what we're looking to do is to bring back the certified survey map with the subsequent certified survey map to further subdivide this property. The portion of a tax parcel number to be divided, Lots 1 and 2 from the VK CSM, is 32 acres. It's a little unusual with respect to the shape of the property. As you can see, Lot 1 in the very northeast corner which is where the one outlot building is going to be located. Lot 2 is where Target is looking to have their store as well as their associated parking and improvements. Lot 3 is kind of the balance of everything which is all of the buildings except for JC Penney. And Lot 4 is actually the JC Penney site. So two of the tenants want to build their own buildings on their own lots and everybody else will be a combined effort. Lot 1 is kind of surrounded by Target. This is a better picture, color rendering of exactly how it's going to be subdivided. Again, it's somewhat unusual in shape, but because of all the agreements on file and the easement agreements and cross-access agreements and signage agreements that I'm not concerned or bothered by this land division. They will have maintenance agreements for the parking lot and the lighting and the signage and such, so the unusual shape of some of this division is not of concern for the staff.

The Gershman Brown certified survey map does, again, identify the new water main easements as well as the sanitary sewer relocation that will be reconstructed around the back of the building because we'll need to vacate the one easement that is located underneath where the building is going to be located. The certified survey map identifies all of these easement locations on the site and the certified survey map. These are all in your packets. Even the storm sewer is intended to be private. The only segment of storm sewer that will be public will be that segment that crosses under Prairie Ridge Boulevard in the right of way and then crosses south to the existing pond in Prairie Ridge.

That concludes the formal presentation by the staff with respect to this project. The Developer, Gershman Brown, is here in the audience to make a further presentation or answer any questions. They have their engineer, their architect here, and there are other representatives here, their attorneys and such if there is specifically any questions.

I just wanted to mention with respect to the two development agreements, that they're in their final draft forms and you've got them in your packets. We do have a few issues that we do need to talk about with the Developer. It's very clear that the public improvements within The Shoppes at Prairie Ridge site do need to be installed by the Developer. The Developers are required to post a letter of credit and follow through with all the other steps that a typical Developer would in a subdivision when putting in those public improvements. Outlined in your staff memo are all of the exhibits that do need to be provided to us so we can incorporate them as part of the exhibits in the Development Agreement.

Then the other Development Agreement, again, is the improvements that are required by the Wisconsin Department of Transportation as part of their TIA review and the permit approvals which I believe are intended to be issues sometime in the latter part or middle to late part of July so they can start those improvements by August 1<sup>st</sup>. Those improvements will be started subsequent to the closing with Gershman Brown.

Thomas Terwall:

Thank you. We spent approximately an hour tonight on this project in addition to the many hours that we've spent, both the Commission has and the Village Board and the countless hours spent by staff. So before I open it up to the public hearing I'm going to ask does the developer have anything he wants to add or is he just here to answer questions?

Eric Gershman:

We can just answer questions if you have them.

Thomas Terwall:

So to reiterate there are four separate items that are tabled, as well as the three new items. We'll entertain questions about this entire project, any phase of the project that you have a question or a comment, and then we'll go back and take separate action on all seven items.

Jean Werbie:

I just wanted to mention that we might as well hold this as the public hearing. Is that what you were indicating? Because there are so many public hearings related to this project.

Thomas Terwall:

Thank you. So at this point I'll open it up to the public for public hearing. I would ask that you step to the microphone and begin by giving us your name and address if you have any comments or questions. Is there anybody wishing to speak? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'm going to open it to comments and questions from the Commissioners. John, you're first.

John Braig:

I'm looking for a clarification on this color rendition that was given. Can you bring up the front elevation of the Target store? I'm looking at this one with Target alone I think it was. Is that total elevation Target store?

Jean Werbie:

Yes.

John Braig:

On this rendition that we have here it shows an adjacent building and it's pure gray. Is that just a shortcut rather than indicating what its front face will look like? That one just shows a gray building there.



Eric Gershman:

Yes, it's gray. This elevation was put together by Target. They didn't design the other buildings. Connected directly next to Target will be this Pet Smart building. This adds right here where it steps down as the edge of the Target building, and then from here is the Pet Smart building. It's gray just to focus on the Target building.

Donald Hackbarth:

I got this rendition and I would like somebody to explain the fact . . . (inaudible).

Jean Werbie:

If you want to bring the easel over here and you can put that on the easel and Bill can come up and you can bring it right up to the Plan Commissioners.

Bill Gruetzmacher:

Bill Gruetzmacher, 125 South 84<sup>th</sup> Street, Suite 401, Milwaukee, Wisconsin, 53024. The main traffic will be coming in off of 99<sup>th</sup> Street. There isn't a signal at 99<sup>th</sup> Street. There is an existing traffic . . . which will prevent left turn lanes coming out of the development, but only right in/right out off of Highway 50. Off of 104<sup>th</sup> all there is is a stop sign. There's no anticipated or no improvements as far as traffic signals go. Then all of the four other ones off of 77<sup>th</sup> and 76<sup>th</sup> Street that's just stop signs. There's no regulation there.

(Inaudible)

Bill Gruetzmacher:

No, just leaving the development and the signalized intersection at 104<sup>th</sup> and State Highway 50. And there will be a new one at 94<sup>th</sup> and Highway 50.

(Inaudible)

Donald Hackbarth:

The one that I'm looking at that I'd like you to address here is . . . it looks like you've got a major intersection there. How do you control that one?

Bill Gruetzmacher:

We can put some stop signs in there on the side streets. The main idea is to have it straight through coming in off of—

Donald Hackbarth:

What I see there is somebody coming off of 75<sup>th</sup> going south does that mean . . . (inaudible) . . . if that was uncontrolled . . .

(Inaudible)

Donald Hackbarth:

And I take it that's a side walk . . . .

Bill Gruetzmacher:

That's a sidewalk in the front of it. The final building hasn't been designed yet.

(Inaudible)

Bill Gruetzmacher:

Correct.

John Braig:

I've got a problem with 99<sup>th</sup> Avenue existing onto 75<sup>th</sup> or Highway 50. If anyone has paid any attention when you're out there there are a million people that exit on 99<sup>th</sup> Avenue now going north and they make a left turn going either west on Highway 50 or shooting through into the subdivision on the north side.

Jean Werbie:

And that's good that you observe that. The DOT recognizes that as well. And for the last year and a half they've been working with VK Development and with Bill and his firm to redesign the improvements in Highway 50. Bill, I don't know if you're prepared otherwise I'll talk them through the changes. There are improvements being made at 88<sup>th</sup> Avenue, 94<sup>th</sup> Avenue, 99<sup>th</sup> Avenue and 104<sup>th</sup> Avenue as a part of this project. The improvements for this entire Shoppes at Prairie Ridge are being broken down into three phases, a phase 1 and 2 that need to be completed in Highway 50 prior to target getting occupancy, and then a phase 3 set of improvements to Highway 50 which are future improvements that are to be completed in 10 years or when a certain percentage of VK Development is completely built out with respect to Prairie Ridge. Are you prepared to talk about some of those improvements which will address those very concerns with respect to turning movements? Do you want to talk about those improvements?

Bill Gruetzmacher:

Which intersection would you like to talk about.

Jean Werbie:

I think you should mention all four.

John Braig:

It really could be any and all of them because the problem is the intent of restricting it to a right turn only is violated by an awful lot of people. I would say virtually everybody that lives in White Caps crosses Highway 50 straight across regardless of where they exit the development on the south side of Highway 50.

Jim Bandura:

(Inaudible)

Jean Werbie:

I guess I can. 88<sup>th</sup> Avenue, which is at the very east end has many changes – possibly Ajay can discuss them.

Ajay Kuttemperoor:

Ajay Kuttemperoor, 19275 West Capitol Drive, Brookfield, Wisconsin. With respect to the improvements at 99<sup>th</sup> Avenue, we are going to redesign the median along Highway 50 so that it is true as you're traveling east on Highway 50 you will have only right in/right out. But then westbound traffic will be able to make a left turn into the development, westbound traffic. But traffic leaving the center will not be able to make a left turn onto Highway 50 to travel west. So that will prohibit the traffic flow that you are talking about.

John Braig:

Or cross north?

Ajay Kuttemperoor:

Or cross north, that's correct. Then we are also going to be installing a signal at 94<sup>th</sup> and Highway 50, and on 88<sup>th</sup> and 50 there's a series of improvements, some of them being extending the left turn lane as you approach going north on 88<sup>th</sup> Avenue, and I believe we're putting in another left turn lane on 88<sup>th</sup> as well on 50 turning north to 88<sup>th</sup>.

John Braig:

There was just quite a bit of work done on that intersection not too long ago.

Jean Werbie:

Right. The signal modifications on 88<sup>th</sup> will allow for the dual left like the two left coming south.

Ajay Kuttemperoor:

And with respect to the timing, as Jean said, we're in the process of getting all of the DOT permits as we speak. GAS is working on doing some final revisions to the plan. We've had a

series of meetings with the DOT, and I believe they're going to submit the final set of plans within the next few weeks. Our goal is to have the permit in place so that when we do close with Gershman Brown on the property we will engage our contractors to begin with the improvements that are necessary to open the Target store and the balance of the retail stores. When the DOT reviewed the traffic study, they did break down the improvements into three sections as Jean mentioned. We are right now focusing on I'll call it the first two phases which are the improvements to open the Target and the shops, and then the balance of the phase 3 has to be done I believe 50 percent build out of the remainder of Prairie Ridge or ten years so that would be 2017. Just with respect to construction time table, I'm being told from our contractors approximately six weeks to get all the improvements in place.

Jean Werbie:

And, in fact, the Village is required to enter into an MOU, a memorandum of understanding, with the Wisconsin DOT. And I have just finished a draft and it's going to be coming to the Plan Commission at its next meeting and the Village Board. It outlines those phase 1, 2 and 3 improvements. And it actually does set a deadline for phase 1 and 2 to be completed by October 1<sup>st</sup> at the latest of this year.

Donald Hackbarth:

(Inaudible)

Jean Werbie:

Those were looked at by the DOT.

Jim Bandura:

A question to Jean. I know that we're looking at a lot of security issues and you still have to talk it through. One of my concerns is there any plans for the Village to kind of like monitor the intersections with some kind of security cameras or anything like that in the future?

Mike Pollocoff:

No. We're not going to monitor any of the cameras that are there. The purpose of the security cameras that are on the site are to assist us in knowing what's going on there, what's happening. That's not to say that we can't look in there when we want to and see, but nobody should be thinking we're going to be watching every second where everybody is going.

As far as the traffic signals, we're not going to put a camera on those. We are going to putting in and requiring, and I think the DOT has it in their specs, technology that's going to allow a fire engine or a rescue squad to move through the intersection to change the signal so that they can move traffic. But as far as cameras, we want to be able to see who's coming into the shopping center, who's leaving, take a look at what's going on on the front of the building, who's walking. We're doing this at Prime and the resolution of what we're doing this on is very good. It's not a murky picture. You can see what's going on.

Any of the businesses out there, the developer, neither us, none of us are really staffed to be able to sit there and watch on a 24 hour period monitor the monitors. We can't do that. We can look if we want to at any time, but the real tool for us is to be able to go back and see that if something is happening.

Thomas Terwall:

Those cameras are on a 24 hour tape, Mike?

Mike Pollocoff:

They're digital. They're not on tape. They're going to hard drive and I think we're maintaining at Prime about a three months. We back it up and then go back again.

Thomas Terwall:

Is there anything else? If not, we've got seven items. Is there anything you want to add, Jean?

Jean Werbie:

No.

Jim Bandura:

Just a quick one. Jean, you're okay with all of the elements that are going to carry throughout the building brick wise, etc?

Jean Werbie:

Yes.

Thomas Terwall:

Before I entertain a motion I want to extend our commendation to the staff again for the duration and the detail that's gone into this project. We've probably spent more time on this project than I think any other development that I can think of. I'm sure that the Abbott project behind closed doors probably had just as many hours as this. But as far as presentations made to staff and Commission members this has probably been the largest. I want to commend both the staff and the developer for the ability to get this far. Let's hope this is just the beginning and we see the same to a smooth fruition.

Andrea Rode:

I would like to say I live three blocks from this area so it's going to probably impact me a lot . . . I'm really happy with the . . . and all the work that all the parties have put in . . .

Donald Hackbarth:

I move that we approve Item A, the certified survey map.

Jim Bandura:

Second.

Thomas Terwall:

**MOTION BY DON HACKBARTH AND A SECOND BY JIM BANDURA THEN TO APPROVE THE SITE AND OPERATIONAL PLAN AS PRESENTED 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. Second then is the zoning text amendment.

Jean Werbie:

He said site and operational plan.

Wayne Koessl:

Mr. Chairman, move approval of the zoning text amendment to repeal and recreate the Prairie Ridge PUD Ord. 00-43.

Jean Werbie:

I'm sorry, the first item was not site and operational. It was a certified survey map. Could I have you revote on the very first one because I'm pretty sure you said site and operational plan and it's certified survey map. Can we do that one again?

Donald Hackbarth:

I'll say Item A, the certified survey map, I move approval.

Jim Bandura:

And I'll second it.

Thomas Terwall:

**MOTION BY DON HACKBARTH AND A SECOND BY JIM BANDURA THEN TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CETIFIED SURVEY MAP PLAN AS PRESENTED 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. Item B is the zoning text amendment to recreation Section 42o0, Attachment 3. We need a motion to send a favorable recommendation to the Village Board to approve.

Wayne Koessl:

I'll move, Chairman.

Judy Juliana:

Second.

Thomas Terwall:

**IT'S MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Item C then is consideration of the zoning text amendment for Section 420, Attachment #, Appendix C. We need a motion to send a favorable recommendation as well.

Andrea Rode:

I'll make the motion.

John Braig:

Second.

Thomas Terwall:

**MOVED BY ANDREA RODE AND SECONDED BY JOHN BRAIG TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Item D is the site and operational plan. This we approve. We don't send this to the Village Board. We need a motion to approve.

Wayne Koessl:

Mr. Chairman, I would move the site and operational plan subject to the conditions outlined and comments by the staff.

Donald Hackbarth:

Second.

Thomas Terwall:

**MOVED BY WAYNE KOESSL AND SECONDED BY DON HACKBARTH TO APPROVE THE SITE AND OPERATIONAL PLAN AS PRESENTED 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. Item 6A, New Business, a development agreement between the Village of Pleasant Prairie and Gershman Brown Corporation. We need a motion to send a favorable recommendation.



John Braig:

Move approval.

Jim Bandura:

Second.

Thomas Terwall:

**MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE DEVELOPMENT AGREEMENT 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. Then a motion to send a favorable recommendation to the Village Board on the development agreement for the Target store subject to the terms and conditions outlined in the staff memorandum.

Donald Hackbarth:

So moved.

Jim Bandura:

Second.

Thomas Terwall:

**MOVED BY DON HACKBARTH AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE AND VK DEVELOPMENT AND THE TARGET CORPORATION 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. Finally, the request of Gershman Brown for approval of a certified survey map. We need a motion to send a favorable recommendation to the Village Board.

John Braig:

Move approval.

Wayne Koessl:

Second.

Thomas Terwall:

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

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

John Braig:

Before we move on, Jean, how far back are the minutes of the Plan Commission available on line?

Mike Pollocoff:

Almost a couple years.

Jean Werbie:

Two or three years.

John Braig:

Where I'm coming from is it doesn't make any difference but it seems to me when we first were discussing this development I had the impression that there would be no big retail development, that it would mirror something comparable to the north side of 80<sup>th</sup> Street east of 39<sup>th</sup>. I was just hoping to be able to peruse the record. I know the only record we have is on hard drive, isn't it?

Jean Werbie:

We have the books that you can go through of minutes. But, no, the intention is we didn't want to have one single retailer that was over 200,000 square feet. We wanted multiple retail users out there.

John Braig:

Where I'm really heading is, and apparently I'm in error on this, but let's for the sake of discussion say that we had originally said no big box stores of any kind, simple development as I indicated north of 80<sup>th</sup> Street. I'm looking forward to the Lakeside Marketplace as another project that will be coming in here. If the Commission is asked to approve something which is significantly different than the original concept, I would like to have reference to the original plan, and the reasons or the justification or what the thinking is now that produces what the current proposition would be or the current plans would be. So as it pertains to this one it has no significance. But possibly if Lakeside Marketplace comes in and if there is a significant difference from the original plan I'd like a little discussion on that. That's all.

Thomas Terwall:

I have one question of the developer. There was an article in the *Kenosha News* last week about this project and included in that article was a reference to the fact that one of the small shops was going to be a Starbucks. It's my understanding that there's already a Starbucks coming in on a development that's already under construction. Is that not true?

Jean Werbie:

Prairie Ridge Commons will have a drive through Starbucks in the very far eastern building, eastern store. And Target is also proposing to have a Starbucks internal to the store. So while you're shopping you can get some pizza from Pizza Hut and get a Starbucks and then shop.

**D. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of Patrick A. Stiff, Assets Manager for Wisconsin Electric Power Company for ALSTOM, an international manufacturer of capital equipment for the power generation industry, to demonstrate an innovative low cost and low entry consuming Carbon Capture (or Carbon Dioxide removal) technology at the Pleasant Prairie Power Plant located at 8000 95th Street. The project includes the design and installation of a small-scale pilot test system to operate, test, collect data, and optimize system performance.**

Jean Werbie:

Mr. Chairman, this is a request of Patrick Stiff, Assets Manager, for Wisconsin Electric Power Company, for ALSTOM, an international manufacturer of capital equipment for the power generation industry, to demonstrate an innovative low cost and low entry consuming Carbon Capture or Carbon Dioxide removal technology at the Pleasant Prairie Power Plant located at 8000 95th Street. The project includes the design and installation of a small-scale pilot test system to operate, test, collect data, and optimize system performance.

I'm going to be reading my staff comments from the pink copy that is in front of you. There are a couple of typos and corrections that we made on Friday, so we wanted to make sure that those are incorporated into the record this evening. And there will also be some comments and additional information presented by the petitioner this evening.

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

#### Findings of Fact

1. Wisconsin Electric Power Company is requesting a Conditional Use Permit, including Site and Operational Plans for ALSTOM, an international manufacture of capital equipment for the power generation industry, is proposing to demonstrate an innovative low cost and low entry consuming Carbon Capture or Carbon Dioxide removal technology at the Pleasant Prairie Power Plant known as P4 located at 8000 95th Street and further identified as Tax Parcel Number 92-4-122-164-0011. The name given to this process is the ALSTOM Chilled Ammonia Carbon Capture Process.

It is further the objective of the project at P4 to design and install a small-scale pilot test system to operate, test, collect data, and optimize system performance. This is the first field demonstration at an actual power plant of this new carbon capture technology, and the system to be installed will be a small scale prototype of a future full scale carbon capture system design. Prior tests have been done in a laboratory setting. Following the laboratory tests, this is the second step in the development of a commercially marketable carbon capture technology that can be retrofitted onto existing fossil fuel fired electric generating stations.

The system will be installed to remove a side or slip stream of exhaust gas from the outlet of the air quality controls systems device to remove sulfur dioxide from Unit 2 at P4. The existing sulfur dioxide removal device is known as a flue gas desulphurization or the FGD or SO<sub>2</sub> Scrubber. It will remove less than 1 percent of the total Unit #2 flue gas for testing. The Carbon Capture Pilot Test System will be designed to recover CO<sub>2</sub> in a highly concentrated form. The collected data will be used to evaluate the technical and economical viability of the technology.

The participants in this pilot test program will consist of ALSTOM, the Electric Power Research Institute and We Energies. The project is co-funded by 25 national and international utilities through EPRI. ALSTOM has arranged to have EPRI perform an independent evaluation of the ALSTOM Chilled Ammonia Carbon Capture process. See Exhibit 1 for the Application and detailed description of the project.

2. The system is scheduled to be commissioned before the end of November 2007. Field testing will commence in December of 2007 and is scheduled for 12 months.
3. The current zoning of the property is M-2, Heavy Manufacturing District, and the operation and maintenance of an electrical generation power plant is allowed within the

M-2 District with a Conditional Use Permit for the existing use and for each addition, alteration, modification or change in conditions to the site.

4. In accordance with Village mapping, the Carbon Capture Pilot Test System Project is not proposed to be located within the 100-year recurrence interval floodplain, any field interpolated wetlands, woodlands or other environmentally sensitive areas.
5. I have attached and you can see the Question and Answer Fact Sheet in Exhibit 1 related to the Pilot Demonstration of a Chilled Ammonia Carbon Capture Process at We Energies Pleasant Prairie Power Plant, P4. We have it up on the slide but it's also in your packets and there are representatives here that if you have any questions regarding the question and answer fact sheet they'd be happy to answer those questions for you.
6. See Exhibit 2 for a copy of answers to specific Village questions related the project.
7. This project does not impact the existing Wisconsin Department of Natural Resources Air Quality Permit issued to the site.
8. Notices were sent to adjacent property owners via regular mail on June 1, 2007 provided as Exhibit 3 and notices were published in the *Kenosha News* on June 11 and 18, 2007.
9. The petitioner was emailed a copy of this Village staff report including the Fire & Rescue Departments comments on June 21, 2007. In addition, on Friday I spoke directly to Ed Morris and had e-mail correspondence with Patrick Stiff regarding this project as well as some additional information which Mr. Morris can go through this evening and I have copies of. We did have some conversations back and forth regarding staff comments which we'd like to get on the public record.
10. According to Article XVIII of the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials as well as all the material presented in the public hearing this evening, that the project as planned will not violate the intent and purpose of all Village Ordinances and meets the minimum standards for granting of a Conditional Use Permit. In addition, according to Article IX of the Village Zoning Ordinance, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and will comply with all other requirements of applicable federal, state or local statutes, regulations, ordinances or other laws relating to land use, buildings, development control, land division, environmental protection, sewer, water, and storm water services, streets and highways and fire protection.

With that, I would like to introduce some representatives of We Energies to see if they'd like to add some further comments or to discussion some clarifications to the staff comments. One other thing I just wanted to mention in the staff comments, we also did e-mail three staff comments from the Village's engineer from this morning. They went directly to Ed Morris and Patrick Stiff as well.

Ed Morris:

I'm Ed Morris, and I'm the senior engineer, environmental coordinator at We Energies Pleasant Prairie Power Plant, 8000 95<sup>th</sup> Street, Pleasant Prairie, Wisconsin, 53158. I'd like to thank the Village staff. They did a very thorough job of reviewing the items that we presented in the application which I believe you probably have a copy in front of you. With me tonight we have Pat Stiff, our asset manager, and representing ALSTOM is a gentleman, Noel Cook, of ALSTOM so he is the project manager from ALSTOM. Jean, you wanted me to do—

Jean Werbie:

You had some questions or concerns and maybe if he goes through some of those and clarifications it will clarify some questions that you may have as well.

Ed Morris:

We'll get back to the back end of this. I would reference you to the conditions and items. Jean and I on Friday talked about I believe it's Item 1 which talks about a decommissioning plan. I guess if you're looking at that same item here, basically what I explained to Jean and summarized in a note to her earlier this morning to capture our discussion from late Friday, basically on page 7 of attachment 1 which is our site and operational plan there is a mention of a decommissioning plan.

What I've stated to Jean in writing is this is as much detail as We Energies or ALSTOM knows at this time. We have a confidential project site agreement that certainly we've signed over the last number of months between We Energies and ALSTOM, and that does not even provide a specific date. It does require ALSTOM and their contractors to remove all structures within a reasonable time frame considering winter conditions. Restoration of this area where the process equipment is going to be placed it will not be paved or graded until spring weather allows them because the project will end in late 2008 as far as their testing. But their agreement with us is to take and restore the entire area as if it wasn't there and bring everything up to grade. One of the requirements is for them to do the paving and grading in that area. So I guess the comment I would have to the Plan Commission and Jean would be that the requirement of a specific date is not possible for us to provide at this time because it's going to be occurring sometime in the spring of 2009 when weather permits us to start grading and paving.

Jean Werbie:

I think that we do need to have a decommissioning plan in place and provided. The comments says that it should be part of the conditional use permit. If they're not looking to start until November of 2007, that's several months away, is there any reason why we can't have a decommissioning plan put together and maybe with some flexible dates in it? But I think we need to have something as one of the conditions. We just can't leave it open ended. I think we do need to have that plan and we need to have some realistic dates that we can be flexible with.

Thomas Terwall:

Prior to startup you mean?

Jean Werbie:

Yes.

Ed Morris:

That would be prior to start up not prior to construction?

Mike Pollocoff:

You're talking about being on line in November.

Ed Morris:

That's correct.

Jean Werbie:

So when were you looking to start up?

Ed Morris:

We would be doing startup activities in late October into November decommissioning.

Mike Pollocoff:

I would say by the time you're ready to start up and get going at that point there would be a decommissioning plan.

Thomas Terwall:

And that has flexible dates in it.

Jean Werbie:

I think that they identify some dates, but we have to identify weather permitting and reasonableness to those dates. But I think they have to provide a plan to us prior to November 1<sup>st</sup>, prior to their startup.

Wayne Koessl:

How about the year 2010?

Mike Pollocoff:

Is that the plan, just 2010 and that's it?

Thomas Terwall:

Are there concerns on the part of the developer about issues of security as far as the decommissioning plan is concerned?

Ed Morris:

No, I wouldn't think so. I think as far as having a specific date I think what we're expecting them is to when weather is reasonable after all the other items are removed to do the subgrade and then to do the initial subgrade asphalt and things in proper conditions if it's April or May whenever those conditions we would expect and then they would want to do when weather permitted the asphalt plant to provide that. We as well would like to see it restored obviously as soon as practical after they're done.

Thomas Terwall:

What specifically are you looking for?

Jean Werbie:

A plan that says exactly what they're going to remove, when they're going to remove it, how it's going to be restored, if they're going to be asphaltting an area, if they're going to be putting grass back to an area, moving some other equipment back to that area, the decommissioning plan. So if they're not going to decommission and everything gone until July 1, 2009 then at least we have a date, but we need to have a plan put together. I think that they would require the same thing before they allow somebody else to build on their property. They need to know what's going to come down and what they're going to restore or rebuilt.

John Braig:

I was going to say the same thing. You'd think that they'd have an agreement that says when this is over you're going to execute and do X. Don't you have something like that?

Ed Morris:

Yes, we do. We have an agreement with them that indicates, just as it says in the attachment here, let me get that, in attachment 1, site and operational plan. And basically in negotiations what they've arrived at is there are various tasks that are identified. It's on page 7 of 12. Basically what's in the document that we have it says once the testing is completed ALSTOM and/or its authorized subcontractors will be responsible for decommissioning the pilot plant, disassembling the pilot system, removing all pilot plant equipment structures from the project site, restoring the site after removal of all equipment to original condition, and paving the areas where the pilot plant equipment was installed as agreed to with the host, We Energies.

Thomas Terwall:

As far as a date goes all we really need is a date within this many months of termination of the project.



Mike Pollocoff:

Right. I would have thought there's a date that We Energies wants to have it done by.

Thomas Terwall:

So three months or six months or whatever that date is upon completion of the tests we're looking for, correct?

Mike Pollocoff:

Right, with the flexibility because as we said weather is going to drive some of this.

Donald Hackbarth:

(Inaudible)

Ed Morris:

No, I would say we're probably looking at three months.

Donald Hackbarth:

(Inaudible)

(Inaudible)

Jean Werbie:

We're not picking up anything he's saying. I'm sorry, we didn't pick up anything unless you're on the microphone. Can you start again?

Noel Cook:

My name is Noel Cook. I'm with ALSTOM at 1431 Centerpoint Boulevard in Knoxville, Tennessee, 37932. As far as the erection plan as I mentioned about two to three months should be the maximum once we start construction before the plant is fully ready for operation and testing purposes. As far as the decommissioning, there are a couple of different thoughts about how we would decommission and disassemble the plant. One of them that EPRA was talking about recently is the ability to disassemble it in such a manner that it would be able to be reassembled on another host site if there is a need to do further testing or an interest by another hosting party. That would be also affecting how we did the assembly if that was the approach that we would want to do the disassembly. So there's some variability there in both the construction and the decommissioning of the plant. But I would say as far as the decommissioning easily within a month or six weeks after we finish our testing the plant would be able to be decommissioned and the grading and replacement of the surface conditions can take place.

Mike Pollocoff:

The plan should be in writing. That gives them until November to put that together. I think primarily what We Energies is going to be expecting of them as the user of the site and how it's going to be decommissioned. You've just indicated a couple of different ways. If they want to take the worst case scenario or the longest case, not worst.

Noel Cook:

We're very grateful to have We Energies act as our host and we certainly will do whatever we can to make sure that they are satisfied with us coming in and going out.

Mike Pollocoff:

I don't think this is a major drill but I think it's a commitment that says they're going to be there, here's how it's going to be decommissioned and everybody knows what it is and it's off the books.

Donald Hackbarth:

Is that something staff could work out so we can get this approved?

Mike Pollocoff:

No, I think it's something that really We Energies has to work.

Jean Werbie:

Just give us the date.

Mike Pollocoff:

It's construction on their facility.

Thomas Terwall:

All we need is that date.

Ed Morris:

I don't think that's unreasonable. I think by November first by the time we go into actual operation, because prior to that we'll be starting up subsystems and it won't be operating as a whole facility until we get everything checked in and tested out. So prior to that.

And then I'll refer to Item 3. It states the location of the proposed trailer shall be clearly shown and this trailer shall be serviced by public facilities. I would reference you to attachment 8 in this which is a site diagram. On that site diagram of our power plant we come up what we call the

east driveway which is right across from 80<sup>th</sup> Avenue going north. We do have it shown on there the ALSTOM office trailer shown on there. It's actually northwest on this diagram, north being to the top of warehouse 3. So it is shown on that. So I guess it should be clearly shown. I think that's identified.

Jean Werbie:

And is the trailer being hooked up to sewer and water utilities?

Ed Morris:

If ALSTOM is going to need sewer and water to it then I've also commented further that if they deem it necessary to have water and sewer they will have to make connection and have connection made and will have to obtain the necessary plumbing and electrical permits. In that area there are some sewer or water connections available if they choose to use those. So my comment was yes.

The other item of more significance is under Item 4. And it would actually be starting with 4d about a commercial electrical permit required. I mentioned to Jean that when you're dealing with generation facilities it falls under a different Wisconsin Statute. So basically I'll read what I wrote to her. It says some of the electrical conditions stated below are inapplicable or need modification. Now basically a lot of the items go by the State of Wisconsin Code Comm 16. And that specifically states on the first page that electric generating station items are exempt from the State Electrical Code. So that will be the leading part that goes into this. I did provide Jean and the staff with the items that I'll be discussion on this.

So the first one would be d. a commercial electrical permit is required to be obtained by a Village licensed electrical contractor for the equipment and any additional electrical work in the equipment shelter. First, there is no equipment shelter or enclosed area. All the equipment on this process test is associated with electrical generation and is not covered by the State of Wisconsin Electrical Code except for ALSTOM's office trailer which we've already talked about. That would fall under Comm 16. The electrical inspection for rough and then final inspection shall be scheduled with the Village. That would not apply to the process equipment. It would apply to the ALSTOM office trailer.

Then Item f. all requirements of the Wisconsin State Electrical Code, Volume 2, Chapter Comm 16 shall be complied with. I've attached a copy to Jean in an e-mail this afternoon, the Wisconsin State Electrical Code Chapter 16. 1602D states that the electrical installations for electrical utility generation are not covered. The electrical plant and processes connected to it are stated as not covered by the Wisconsin State Electrical Code. It says power generation is covered by the Public Service Commission PSC Order 114 which I have also provided to Jean and the guidelines of the National Electric Safety Code Standards. As I mentioned earlier, the exception to this would be the ALSTOM's office trailer as stated above. So for our facility the majority of the facility except for the office areas or the performance center that we call it across the road in our facility those fall under the Comm 16 electrical code, but the power plant, transformers and other items all fall under the PSCW 114 order.

Then there was item h. which says a plumbing permit must be obtained for the water used in the test system. My comment to Jean was the water used for the test system is not potable water and it's not provided by the Village of Pleasant Prairie and does not require a licensed plumber to install or service. The water to be used is general equipment cooling water in site as from our low pressure raw lake water. The water is not used inside of the process towers that are part of this process, but it's used in a small cooling tower heat exchanger. There are no potable water systems associated with the ALSTOM chilled ammonia carbon capture process equipment system. However, for potable water systems on our site we do require to have a licensed plumber perform work. As we noted earlier in Item 3, ALSTOM will be required to obtain any necessary plumbing permit for the office trailer or any connections to potable water.

Item 6 was in there and that one talks about due to previous and ongoing problems of getting access to We Energies P4 property for Village inspections, We Energies shall provide the contractor's business name, contact name, telephone number and shall guarantee that someone will meet the Village inspector at a designated P4 gate for immediate access at a designated time for each Village inspection. I guess the exception we took here is that in the last year and a half or so we are not aware of any particular problems. When I brought this to Jean's attention she indicated for me to bring that up with Chief Guilbert who had a very nice conversation with me at least once or twice over the last week or two. Chief Guilbert wasn't even aware that this was in there, and he said he didn't have any problem about the way things were going now. So my recommendation would be to remove this as an item that would be a condition because in general I told Chief Guilbert that we are open to having any time the fire inspector—I had to come in to look at some new tanks just recently earlier this year. If they come at a designated time in their schedule we will make every attempt to work with them. I told him that the senior staff or myself are available if he has concerns. If there's something of a concern it's not related to the ALSTOM project, so I would say that my recommendation would be to remove that item because I don't see that it's valid if it's supposed to be from Chief Guilbert and he didn't know that it was going to be in there. That's all the comments I had added because I wanted it to be accurate and to work with you.

Thomas Terwall:

Thank you. This is a matter for public hearing. Is anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak. Hearing none, I'll open it up to questions. I have the floor so I'll go first. Is this system going to use aqueous or hydrous ammonia.

Ed Morris:

The system is going to be using aqueous ammonia.

Thomas Terwall:

And you're currently using aqueous now in the flue are you not and in the new chimney?

Ed Morris:

You are correct. For our selective catalytic reduction units, the SCRs, we are currently using the aqueous ammonia, the liquid ammonia, yes, 29 percent ammonia.

Thomas Terwall:

It will be the same stuff?

Ed Morris:

It will be identical.

John Braig:

You'll be using a lot more with this program, though, won't you?

Ed Morris:

No. This will be very small in scale to the SCRs.

John Braig:

Is it strictly a refrigeration loop?

Ed Morris:

No. It's actually included in their spray scrubber tower that is inside. One of the vessels is called a spray scrubber, and basically they will have the flue gas chilled and then it will be brought into contact with the ammonia inside of their towers. There won't be any emission of ammonia from this. It will be contained. There will be far less ammonia in the entire process. I think it's like 3,000 gallons total that will be circulating in there, vastly smaller than the large tanks that service our SCR. We looked into this and under EPA guidelines we have a risk management plan for aqueous ammonia. The quantity and addition under the EPA guidelines says that it's covered by our current risk management on site. It won't be a significant addition.

Thomas Terwall:

Remember, John, this is only going to cover one percent of the gas. So I suppose if they get to the point where they're doing 100 percent—

John Braig:

Not to jump too far aside, but we had a conversation once before about the water that is evaporated on the plant site. And you gave me a figure of 1,600 gallons per minute. Were we talking about the stack or the cooling towers.

Ed Morris:

The question was as far as—John attended the open house that we have with the DNR cooperative agreement I think within the last month. One of the questions was the new plume that we all see coming off the new stack is water vapor, and it is about 1,600 gallons a minute.

John Braig:

It is the stack?

Ed Morris:

It's off the main stack because that's used in the SO<sub>2</sub> scrubbers, yes.

John Braig:

Thank you.

Donald Hackbarth:

I really appreciate the technology. I would imagine what you're saying is you're trying to decrease the amount of affluent coming out of the stack even further than what we've got now in that stack.

Ed Morris:

Well, the question was as far as decreasing the amount, what we're looking at, Donald, is we're looking at a chance to look at a possible future technology with climate change legislation forthcoming. If climate change came in five years or seven years and said utilities will reduce carbon dioxide emissions by X amount, we felt that early on We Energies wanted to look at competing technologies, start evaluating things. We were doing this through the Electric Power Research Institute, looking at other technologies. When we saw that this was a possibility for being field tested we indicated our interest. There was a long selection process, but we were fortunate to become the host site. This is a small scale pilot. It's the first field application of this new technology. If it works well we'll know what the cost is, how much electricity will it use, how much size will it need to be, all the different costs of operating one of these. And then in the future we would have that to look at and say when it gets scaled up, ALSTOM plans after this to have a larger pilot scale following completion of this out in West Virginia and then a full scale probably after that. They're looking to commercialize this technology by 2011. So, yes, we're looking to further reduce emissions in the future should carbon dioxide become something that's going to be regulated.

Donald Hackbarth:

I'm grateful that they chose or however that agreement worked out that you decided on Pleasant Prairie. I'm hoping in the future if this takes off that we're also one of the first plants that you retrofit to do it. I have another comment. Are there any byproducts that come off of this system?

Ed Morris:

The question was if there are any products. No.

Donald Hackbarth:

Hazardous or anything?

Ed Morris:

Nothing, no. There will be no discharges to the air. Basically the flue gas will come in and it will come into contact, it will separate the CO<sub>2</sub>, it will be measured, and then downstream of that they'll re-emit the CO<sub>2</sub>.

Donald Hackbarth:

Same stack?

Ed Morris:

Same stack. So the Department of Natural Resources and others looked at this and said it doesn't change your emissions so your permit is—you still have to monitor everything you're monitoring now but it doesn't alter anything?

Donald Hackbarth:

It might by one percent, right?

Ed Morris:

Well, it's going to go back in so we're hoping that the 99 plus one percent gets back together and becomes whole.

Donald Hackbarth:

Unrelated issue. Is there ever any thought of taking down the old stack?

Ed Morris:

That's correct. There are plans this year. Internally they're removing some internals in the stack and by the end of 2008 the old stack will be removed.

Donald Hackbarth:

I like the idea that you're testing this.

Ed Morris:

Thank you.

John Braig:

Jean, your comment regarding access for the inspectors is a little bit disturbing. I wonder if you could make some additional comments on it. My concern is this inherent with the security aspect of the plant which we all respect, or do we have an attitudinal problem?

Jean Werbie:

I think it had to do with the security issues on the site. What Ed tells me is those issues have all been worked out from the Chief's perspective, but it was an issue with the previous project. So with the modifications and the discussions that Ed has made this evening as part of his presentation the staff is willing to accept his changes and corrections as part of the staff memo to be included as part of the conditional use document this evening. I don't mind taking that comment out, it's just that when we get to the point where we have to do inspections it's going to need to be a situation where we clearly can gain access to the site.

Donald Hackbarth:

The Chief just comes to our site and they walk in and say we're doing an inspection. And I think part of that is if we know you're coming we're going to clean it up, and they want to make sure that you're—

John Braig:

And I think you can understand our concern. If this was an issue I think the Commission would react accordingly.

Jean Werbie:

I would like to say that the Village staff has determined that based on the foregoing information presented in the application and the related materials provided, the public hearing this evening and the information that Ed has presented this evening, that the proposed Pleasant Prairie Power Plant carbon capture project located at 8000 95<sup>th</sup> Street meets the standards for granting a conditional use permit in that the project does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and the traffic patterns on the site do not cause a problem. The project does not impair an adequate supply of light or air to adjacent properties. The project does not increase the danger of fire insofar as the danger of fire does not exceed the capabilities of the fire and rescue department. The project does not create storm water flooding or drainage problems, create obnoxious odors, problems or otherwise endanger public health, safety or welfare. The project has no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or other inconsistency that would endanger the public's health, safety or welfare related to its proposed use. The proposed and applied for use on this particular parcel is not inherently inconsistent with either the M-2, Heavy Manufacturing District, in which it's located or the adjoining manufacturing districts or neighborhood. And the proposed



and applied for use shall comply with all applicable Village zoning requirements and all other applicable federal, State, County and local requirements relating to land use, buildings, development control, land division, environmental protection, sewer, water, storm sewer service, streets, highways and fire protection.

So based on the foregoing information and the comments received, the staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for the granting of a conditional use permit, including site and operational plans as specified above, then approval of the conditional use permit shall be approved subject to the following conditions as outlined in the staff memo with the modifications and discussions that Mr. Morris brought to our attention this evening.

Donald Hackbarth:

I'm hoping some day we can sell this stuff to China. Like I said before, I like the technology aspect of it and I move approval.

Andrea Rode:

Second.

John Braig:

Through Pat Stiff the asset manager.

Patrick Stiff:

Patrick Stiff, representing We Energies, 8000 95<sup>th</sup> Street.

John Braig:

I have a question. In relation to other coal burning stacks in the United States, what is the emission line up on the stack you have, the new one.

Patrick Stiff:

I want to base my comments on a personal professional opinion, not based on any industry testing or any other comparisons that have been done, but my firm belief and professional opinion is that the emissions from Pleasant Prairie are the cleanest of any coal burning power plant in the United States and arguably in North American and perhaps most of the world. The only areas right now that I think might give us a run for our money are in Europe where some of the technologies for mercury reduction are a little bit ahead of us. But in terms of the equipment that we just completed installing this spring that obviously came through this Commission some time back, I believe that chimney that you see in our neighborhood here is the cleanest chimney in the United States if not world wide.

John Braig:

Thank you.

Thomas Terwall:

**IT'S BEEN MOVED AND SECONDED TO APPROVE THE SITE AND OPERATIONAL PLAN AND THE CONDITIONAL USE PERMIT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM AND PRESENTATION AND AS MODIFIED AS A RESULT OF TONIGHT'S PUBLIC HEARING. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**E. Consider the request of James and Peggy Concannon for approval of a Lot Line Adjustment between the properties located at 9586 39th Avenue and 4081 96th Street.**

Jean Werbie:

Mr. Chairman, this is a request by Jim and Peggy Concannon for approval of a Lot Line Adjustment between the properties located at 9586 39th Avenue and 4081 96th Street.

In September 2006, the Village approved a Lot Line Adjustment to adjust the lot lines between 9580 39th Avenue owned by Walter Wirch Real Property Trust and 4081 96th Street owned by James and Peggy Concannon Revocable Trust. At this time the petitioner is requesting another lot line adjustment to adjust the lot lines between 9586 39th Avenue identified as Tax Parcel Number 92-4-122-231-0065 owned by Jeffrey Tredup and 4081 96th Street identified as Tax Parcel Number 92-4-122-231-0406, owned by James and Peggy Concannon Revocable Trust.

This proposed Lot Line Adjustment is to adjust a portion of the rear lots line between the two parcels. The end result of the Lot Line Adjustment will be the transfer of 3,169 square feet from 9586 39th Avenue and combine it to 4081 96th Street located in the Meadowdale Estates Subdivision.

Both properties are zoned R-3, Urban Single Family Residential District. The R-3 District requires lots to have a minimum frontage of 100 feet which can be reduced if on a curve or cul-de-sac not less than 45 feet and a minimum lot area of 20,000 square feet. Both lots will exceed the minimum lot area requirements of the R-3 District. The Concannon lot will be 61,459 square feet and the Tredup lot will be 57,581 square feet after the adjustment.

They are requesting this Lot Line Adjustment to create a more regular shaped lot. The existing structures on the properties and the lots will remain conforming with the proposed Lot Line Adjustment and will comply with the requirements set forth in the Village Zoning Ordinance and Land Division and Development Control Ordinance.

The Village staff recommends approval of the Lot Line Adjustment subject to the petitioner recording the proper transfer documents with the Plat of Survey for the Lot Line Adjustment as an Exhibit at the Kenosha County Register of Deeds Office within 30 days of final Village approval. I see Dr. Concannon is here in the audience. I'm not sure if you have any questions for him.

Thomas Terwall:

You've been here two hours. Is there something you want to add, Doc?

Jim Concannon:

Jim Concannon, 4081 96<sup>th</sup> Street. No. It's a pleasure to see government at work so it's an honor to be here.

John Braig:

What is the street that enters Meadowdale Estates area off of 39<sup>th</sup> next to the big pond?

Mike Pollocoff:

I think it's 97<sup>th</sup> Street off of 39<sup>th</sup> Avenue.

John Braig:

So the Tredup property is several lots north of that?

Jean Werbie:

Yes.

Thomas Terwall:

Is the Tredup north or south of the Wirsch property?

Mike Pollocoff:

South.

John Braig:

Move approval.

Donald Hackbarth:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY DON HACKBARTH TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE A LOT LINE ADJUSTMENT 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.**

John Braig:

So moved.

Judy Juliana:

Second.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.