

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
July 9, 2007**

A meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on July 9, 2007. Those in attendance were Thomas Terwall; Donald Hackbarth; Wayne Koessl; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. Michael Serpe was excused. Also in attendance were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF THE MAY 29, 2007 AND JUNE 11, 2007 PLAN COMMISSION MEETINGS.**

Larry Zarletti:

Move approval.

Judy Juliana:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY LARRY ZARLETTI AND SECONDED BY JUDY JULIANA TO APPROVE THE MINUTES OF THE MAY 29TH AND JUNE 11, 2007 PLAN COMMISSION MEETINGS AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

- 5. CITIZEN COMMENTS.**

Thomas Terwall:

If you're here tonight for matters A through E, since those are matters of public hearing we would ask that you hold your comments until the public hearing is held so that your comments can be included as an official part of the record of that public hearing. However, if you're here to discuss Items F and G or if you're here to raise a question about an item not on the agenda, now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak?

6. NEW BUSINESS:

A. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Russ Swanson agent for Stonebridge Farms, LLC for the proposed 112 single family lot residential development to be known as Stonebridge Farms West generally located south of 93rd Street and east of 60th Avenue.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this first item on the agenda is a public hearing in consideration of a conceptual plan for the request of Russ Swanson agent for Stonebridge Farms, LLC for the proposed 112 single family lot residential development to be known as Stonebridge Farms West generally located south of 93rd Street and east of 60th Avenue in the Village.

Specifically, the petitioner this evening then is requesting approval of a Conceptual Plan for the proposed Stonebridge West development. This development proposes to create 112 single family lots and 11 Outlots in the Highpoint neighborhood.

Under Village Comprehensive Plan compliance, in accordance with the Village Comprehensive Plan, the Highpoint Neighborhood is classified as being within a Lower-Medium Density Residential land use category which requires lot areas in the neighborhood to average between 12,000 to 18,999 square feet or more per dwelling unit. This allows for areas of the neighborhood to have larger lots while other areas will have smaller lots such as for multi-family development. On January 27, 2007, the Plan Commission held a public hearing and approved Highpoint Neighborhood Plan Alternative #1, and on March 12, 2007, the Plan Commission held a public hearing and approved Highpoint Neighborhood Plan Alternative #2. Both alternatives incorporated the Stonebridge Farms West development as presented.

Under residential development, 81.75 acres of land are proposed to be developed into 112 single-family lots and 11 Outlots. The single family lots range in size from 15,000 square feet to 27,532 square feet per lot with the average lot size of 17,213 square feet. Each of the lots meets or exceeds the minimum requirements of the R-4, Urban Single Family Residential District, which requires each lot to be a minimum of 15,000 square feet with 90 feet of frontage unless they're on a cul-de-sac or a curve wherein the width reduction can be reduced down to 45 feet. All the lots need to have a minimum depth of 125 feet.

The entire development provides for a net density of 1.85 units per net acre. In looking at the slide and in the information in your packets, I wanted to go over each of the outlots since there are so many within this particular development. It's important to also note that the developer will be responsible for granting easements on some of these outlots, Outlots 2,3, 5, 6, 7, 9 and 10 to the Village in the Dedications and Easements Language on the Plat. The referenced Outlots are being transferred in fee interest ownership to the Homeowners Association. But the Village requests that there be easements over these outlots for maintenance in the event that the Homeowners Association does not take care of these individual outlots.

- Outlot 1, which is the first outlot, is recommended to be dedicated to the Homeowners Association for Open Space and Electric Transmission Corridor Preservation, Access and Maintenance Area Purposes. There needs to be some further discussion with the developer on this particular outlot as it's being transferred from the Simon Group.
- Outlots 2 and 9 shall be labeled as, Outlot 2 - Dedicated to the Homeowner's Association for Open Space, Wetland Protection and Preservation, Woodland Protection and Preservation, Electric Transmission Corridor Preservation, Access and Maintenance Area Purposes. Outlot 9 - Dedicated to the Homeowner's Association for Open Space, Wetland Protection and Preservation, Woodland Protection and Preservation, Electric Transmission Corridor Preservation, Access and Maintenance Easement Area Purposes.
- Outlot 3 shall be labeled as, Outlot 3 - Dedicated to the Homeowner's Association for Open Space and Electric Transmission Corridor Preservation, Access and Maintenance Area Purposes.
- Outlot 4 shall be labeled as Outlot 4 - Dedicated to the Village for Open Space, Floodplain Protection and Preservation, Bike/Walking Trail, Access and Maintenance Purposes. The staff is recommending to expand Outlot 4 to include the east side of an area on the very west end of this proposed development area. Some information was not picked up on the conceptual plan that had to do with that very far west corner where you can see there's a proposed extension to the north of 62nd Avenue as well as a corner that would be included within park area and within the potential future school site area.
- Outlot 5 shall be labeled as Outlot 5 - Dedicated to the Homeowner's Association for Stormwater Drainage, Retention Basin, Open Space, Floodplain Protection and Preservation, Access and Maintenance Purposes. This is where one of their largest basins is proposed to be located as well as where a large floodplain storage area has been identified.
- Outlots 6 and 7 shall be labeled as Outlot 6 - Dedicated to the Homeowner's Association for Stormwater Drainage, Retention Basin, Access and Maintenance Purposes. Outlot 7 - Dedicated to the Homeowner's Association for Stormwater Drainage, Retention Basin, Access and Maintenance Purposes. Again, these are two additional areas that are just to the north and the west side of the development.
- Outlot 8 shall be labeled as Outlot 8 - Retained by the Developer for Future Development. We are recommending and my understanding is that he has done this already, we're recommending that he contact the adjacent property owner and this area

may be able to be transferred to the adjacent property owners, the Falcons, and maybe with a lot line adjustment or land swap, some of the land can go to the Falcons and some of the Falcons land can go to this developer for a future extension of 60th Avenue to the north to 93rd Street.

- Outlot 10 shall be labeled as Outlot 10 - Dedicated to the Homeowner's Association for Open Space, Woodland Protection and Preservation, Access and Maintenance Purposes.
- Outlot 11 shall be labeled as Outlot 11 - Dedicated to the Village for Future School/Park Purposes.

I'd like to also mention that an 80 foot right of way will need to be dedicated which separates Outlot 11 and Outlot 4. The Developer shall provide the financial security to install these improvements. What we're proposing, again, is that 62nd Avenue, which runs north/south from Highway 165 north past the middle school site and past the public park site, that that be developed as a collector street. So a little bit wider to convey a lot more traffic that's going to come from the middle school and the community park area. So we're recommending that there be a larger right of way dedicated. Again, that was missed from the original conceptual plan but we picked it up when we were reviewing back to the neighborhood plan.

With this development, population projections at full build out would net 112 dwelling units. It's estimated that there would be 306 persons or 71 school age children with 47 public school age children.

Under the zoning map amendments for this project, a portion of the development is zoned C-2, Upland Resource Conservancy District; a portion of the development is zoned R-4 (APO), Urban Single Family Residential District with an Agricultural Preservation Overlay District; and a portion of the development is zoned R-4 (AGO) Urban Single Family Residential District with a General Agricultural Overlay District; and a portion is zoned FPO, Floodplain Overlay District. In addition, there is a shoreland jurisdictional boundary that traverses on either side of the waterway. A zoning map amendment will be required to develop the property as proposed.

A Zoning Map Amendment would be required so that we could first of all rezone the field delineated wetlands into the C-1 District. We would put Outlot 9 into the C-2, Upland Resource Conservancy District to preserve and protect the trees in that area. The single family lots and Outlot 8 would go into the R-4, Urban Single Family Residential District, and Outlots 1, 2, 3, 4, 5, 6, 7, 10 and 11 excluding the wetlands would all be placed into the PR-1 District. And you know that storm water basins are allowed in the P-1 District. And the additional open space would just remain as open space in those outlots. The rezoning that's being requested should be requested the staff recommends at the time the preliminary plat is being considered by the Plan Commission and the Board. The two Conservancy District areas, the 100-year floodplain as well as the shoreland jurisdictional boundary would remain as is. They would not be affected with this particular project at this time.

The open space within the development, approximately 22.64 acres or 28 percent of the entire site is proposed to remain in open space. The open space within the development includes some public parkland, 100-year floodplain, wetlands, woodlands and other open space.

Under public parkland, the developer is proposing to dedicate Outlot 4 which is 1.63 acres which includes some floodplain. He would be dedicating it to the Village for a portion of the construction of the bike and walking trail. Again, this biking trail as you know will connect the Village Green neighborhood park all the way eventually to this middle school and community park in the center of the Highpoint Community area. The developer will be responsible for installing the bike and walking trail within Outlot 4. In addition, further discussion still is warranted as to whether or not the developer is going to be making any additional contributions for the development of the Village Green Neighborhood Park or the Highpoint Community Park.

Under wetlands, a total of 1.75 acres of the site have been field delineated as wetlands by Hey and Associates. That was done on November 23, 2004 and April 5, 2005. The delineations were approved by the Wisconsin DNR on August 30, 2005, and these areas will be identified as Dedicated Wetland Preservation and Protection, Access and Maintenance Easement. A staff note or comment is that if this development does not final plat within that five year time period the wetlands will need to be redelineated per the DNR regulations. These delineated wetlands would be rezoned into the C-1, Lowland Resource Conservancy District. The Village Zoning Ordinance requires that structures be located a minimum of 25 feet from wetlands on the property and 10 feet from wetlands off the property; however, NR 151 may require greater than 25 foot setbacks to the wetlands. That will be a decision made by the DNR. The required wetland setbacks will need to be clearly shown on the preliminary and final plats, the landscape and engineering plans.

Under 100 year floodplain, approximately 4.48 acres of the site is located within the 100-year floodplain in the western portion of the site. No lots are located within the 100-year floodplain.

Under woodlands, a detailed tree survey was prepared and is shown on the Conceptual Plan. Pursuant to the Conceptual Plan no trees are proposed to be removed with this development. Outlots 9 and 10 are going to be created, excluding any wetlands these areas are proposed to be zoned C-2, Upland Resource Conservancy District, and other areas that have wooded areas would identified within Tree Preservation and Protection, Access and Maintenance Areas. In addition, the Developer shall provide penalties in the Declaration of Restrictions, Covenants and Easements for removing any trees without permission from the Homeowner's Association and the Village.

Under other open space, approximately 13.63 acres of other open space located within the Outlots and will remain as open space permanently. Outlots 5, 6 and 7 will be used for storm water retention facilities for this development. The Developer's Engineer shall evaluate the development site, based on actual field conditions and present a more detailed storm water management facility plan to the Village for review and approval. A comment that we've always had from the beginning if for some reason additional retention basins are required due to the final calculations being put together, the number of lots may need to be reduced and to accommodate the additional retention facilities that may be needed on the site.

In addition, and not included in the open space acreage above is the required 35 foot wide' Dedicated Landscape, Access and Maintenance Easement Area. This particular area is located along 93rd Street just to the south on Lots 11, 12 and 24. The staff is recommending as per the ordinance landscaping and undulating berms to be installed by the developer within this easement area. If there is existing trees or some type of vegetation in those areas, we will examine those.

We don't want to see those areas disturbed in order to put in berms and additional planting. We'd rather have them stay in their natural state.

Under public improvements, for 93rd Street, 93rd Street is classified as a local arterial. Pursuant to the Village's adopted long-range transportation plan, 93rd Street shall be improved and widened to allow for an increase in the roadway capacity when the traffic counts and new developments warrant such improvements and as determined by the Village.

As part of the conceptual plan approval for the Devonshire development, which is just to the east of this project which is currently under construction by the way, the Village Board required that a detailed traffic study be completed to determine the profile for 93rd Street and to examine whether or not a stop sign or signalized intersection would be warranted at 93rd Street and Cooper Road. It was determined at that time based on the traffic counts today and the projected traffic counts that a roundabout would be located at that intersection. And actually the profile that they have come up with along 93rd Street is a three lane urban profile roadway, one travel lane in each direction plus a center turn lane in each direction rather than having four lane. The right of way that was originally proposed is still proposed, a 100 foot wide right of way 50 feet dedicated from center.

The next page or so of the staff comments, at least the beginning part, again just reiterates that traffic study that was prepared and was presented by Wayne Higgins. Again, we do have all that information on PowerPoint but I won't go back into that illustration again.

A public roadway connection is proposed in this Stonebridge development at 93rd Street at 58th Avenue. This intersection would be approximately 850 feet from the center line of the intersection of the proposed 55th Avenue and 650 feet from 60th Avenue. Good separation spacing with all three as they connect to the arterial. 58th Avenue would align with the future 58th Avenue on the north side of 93rd Street east of the property located at 5726 93rd Street. Pursuant to the Village's Zoning Ordinance and the transportation requirements, new public streets connecting to arterial streets should be a minimum of 460 feet apart from center line to center line when it's based on a 35 mile per hour speed limit which is what we hope to maintain on 93rd Street. Bypass or acceleration deceleration lanes shall be required to be installed at the intersections by the developer.

The next point with respect to this street is that a public roadway connection is proposed at 93rd Street at 60th Avenue. This would be the westerly north/south connection into this development. This intersection would be approximately 850 feet from the center line of the proposed 58th Avenue intersection. 60th Avenue would align with the existing 60th Avenue on the north side of 93rd Street. Pursuant to the Zoning Ordinance we want to keep these minimum spacing criterias intact. We don't want to create any jog intersections of the public roadways.

We did have one question posed to the developer and I understand he is working with the neighbors to the west, and that is what is the status of obtaining additional right-of-way from the Falcon property to the west? If additional land cannot be acquired, further discussion will be warranted related to the staging of the development. As you can see, 60th Avenue, the very northwest corner of their site, does need to bend to the west in order to connect to 60th Avenue on the north which cuts across the corner of the Falcon property. As I mentioned previously, if there could be some type of land swap with that Outlot 8 land possibly there could be an arrangement

worked out so that both land owners would benefit and you could get that secondary connection to 93rd Street and this one would be at 60th Avenue.

In order to efficiently, effectively and safely move traffic into, out of and throughout the subdivision, there are multiple roadway connections to 93rd Street as well as other future connections to the proposed Stonebridge Farms Development to the east at 95th, 96th and 97th Streets, 57th Avenue to future development to the south and 95th Street to future development to the west are required as part of the transportation system plan.

As you know, temporary cul-de-sacs shall be required to be constructed at the end of all dead ended roadways that are proposed to be extended. The location of these temporary cul-de-sacs will need to be further examined as we look at the staging of this development. If off-site easements are required for the construction of the required temporary cul-de-sacs, then, the developer will be responsible for obtaining these temporary public street, access and maintenance easements from adjacent property owners. The temporary cul-de-sacs shall be removed and easements vacated when and if future development occurs and the Village vacates those easements and public roadways are extended. So at this point whenever there's going to be a road that dead ends it can't just dead end straight or with a T. They have to have the temporary turnarounds on them to facilitate the turning movements of our equipment. And all these temporary easements will need to be shown on the plans as we move forward so we know where things are going to be staged within the development.

The entire development shall be serviced by municipal sanitary sewer, water and storm sewer as noted. Municipal water shall be extended into the development from 93rd Street, throughout the development and connected to municipal water in 95th, 96th and 97th Streets. Municipal water shall be extended in all development roadways to the property boundaries and adjacent boundary roadways.

Municipal sanitary sewer shall be extended into the development from the west. Municipal sanitary sewer shall be extended in all development roadways to the property boundaries. Sanitary sewer will be required to be installed within 93rd Street the entire length of the property. Verification shall be provided to the Village that the existing homes on the north side of 93rd Street can be serviced with basement gravity sewer.

Municipal storm sewer shall be extended in all development roadways to the property boundaries at the developer's cost as with sewer and water. The storm sewer system will outlet into retention basins located within Outlots 5, 6 and 7. The Developer's Engineer shall evaluate the development site, as we had mentioned, based on actual field conditions and a final detailed engineered plan will need to be submitted for our engineers to review. As I mentioned previously, if additional basins are needed then the developer may need to reconfigure and may lose some lots with respect to the total development.

Under right of recovery, a 10-year right-of-recovery may be afforded to the Developer for the municipal sewer main improvements installed within 93rd Street to service the lands on the north side of 93rd Street, if, after holding a special assessment hearing, the project is approved by the Village Board. According to the Public Service Commission sewer connection is mandatory for the adjacent, off-site properties within one year of installation of the sewer. The adjacent property owners would be required to pay the sewer special assessment at the time of the connection.

Under construction access, construction vehicles utilized for the installation of public improvements and home construction shall enter and exit only from 58th Avenue at 93rd Street. At this point until we've done any further evaluation or if there is any close timing with respect to the development to the east and this one, we've identified just one point of connection for construction vehicles off of the local arterial.

Under fiscal review, a fiscal impact analysis is being completed by the Village staff for the proposed development as it relates to the amount of Village tax dollars collected from the development and the level of Village services required to service the development. The staff is working on completing the analysis for the development. I'm not sure what the timing is right now. I know it's still being worked on through the IT department, and my estimation is sometime within the next month or so. They're still gathering some additional information to put into the model.

At this time, the Developer has willingly agreed to dedicate Outlot 4 to the Village for Park Purposes for a proposed bike/pedestrian trail and to construct the proposed bike/pedestrian trail and the Village is requesting the dedication of Outlot 1. Further discussion is warranted with the Developer related to a cost sharing agreement/donation to the Village to address any shortfalls in funding/fees collected for police, fire, EMS, Public works and transportation needs as a direct result of this development. I've outlined the three points which we do need to have some further discussion with the developer on.

The first is as it relates to the Police, Fire, EMS and Public Works Cost Sharing Agreement: In addition to the impact fees due at the time of permit, the Developer shall verify if they are going to enter into a cost sharing agreement to donate \$891 per housing unit as a cost sharing contribution for each of the residential units within the development to address current shortfalls in funding/fees collected for police, fire, EMS and public works impact fee needs as a direct result of this development. The referenced \$891.00/per unit payment is typically made to the Village each time that a lot sale in the subdivision is closed and the fee interest title of the lot is transferred to a new owner or as a condition precedent to the issuance of a building permit, whichever occurs first. Only one \$891.00 payment would be paid per residential unit.

The second item is the park donation agreement. The Developer at this point has agreed to donate about 1.63 acres of park land which is Outlot 4 to the Village for a portion the construction of a bike/walking trail. The developer will be responsible for installing the 10 foot wide trail within Outlot 4. In addition, again, I'm not sure at this point whether or not the developer is going to be making any further contributions with respect to the development in the Village Green or Highpoint Community Park.

And the third point is the 93rd Street Transportation Improvement Cost Sharing Agreement. We'll need to verify that the developer has agreed to enter into a cost sharing agreement to provide the transportation improvement funds payable to the Village for the costs associated with the public transportation improvements to improve, widen, upgrade 93rd Street. At this point our Village engineers have estimated this cost to be \$2,248.77 per lot. This excludes the roundabout at 93rd Street and Cooper road. The referenced payment would need to be made each time a lot is sold in the subdivision or as a condition precedent to receiving a building permit whichever occurs first. So there will be no cost sharing as it relates to Cooper Road intersection.

With that, the staff recommends that since this is a public hearing maybe you'd like to hear from the developer first with respect to this proposal and what his intentions are with respect to the project. The staff does have some additional questions for the developer as well.

Thomas Terwall:

This is a matter for public hearing. Does the developer wish to speak?

Russ Swanson:

(Inaudible)

Thomas Terwall:

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

John Braig:

I've got three items. Do we have any subdivisions in the Village now that have an exclusive builder?

Jean Werbie:

The Mastercraft development, the Mission Hills, has an exclusive builder, as well as in Creekside and Devonshire it's all Mastercraft. But we have several agreements with them and monotony agreements that state that they will be doing custom built homes. They don't do the cookie cutter—

John Braig:

They are all custom built homes in those subdivisions?

Jean Werbie:

Yes. And we have several agreements so that they are not the same adjacent, across the street, down the street.

John Braig:

If they're custom built homes I don't see where any of them would be the same.

Jean Werbie:

People can pick out one out of hundreds from their portfolio and there could be one that is the same color or has the same front on it. But they're very careful to make sure that they don't have

any type of monotony situation going on with respect to their developments and you would notice that if you've driven through there.

John Braig:

Do we know how many residents in the area will be impacted by the mandatory connection to sanitary sewer once it's made available?

Jean Werbie:

Four or five.

John Braig:

And are they aware of this?

Jean Werbie:

They received notification of this.

John Braig:

They did receive notification? They're close enough to be notified?

Jean Werbie:

Anyone who is within 300 feet would have received notice.

John Braig:

Are there any beyond 300 feet that are going to be impacted by mandatory connection?

Jean Werbie:

No, because they abut 93rd Street and those would have been the residents that were notified.

John Braig:

And the last item is trails. How far are we from supposedly a walking trail that's going to go through Creekside Development? Can they be connected, Creekside Crossing, yes, although I don't see any evidence of a trail there yet.

Jean Werbie:

No. I think their western most north/south road is 63rd Avenue, and we're at 60th Avenue at our far west so we're about three blocks away, so it would be the next property to the west would have something that would interconnect with Creekside.

John Braig:

Let's keep it in mind if and when.

Jean Werbie:

It's shown on the neighborhood plan.

Donald Hackbarth:

I've got a couple of comments. 62nd Avenue is there going to be parking on that? I notice they've got a parking lot, what is it, the ball diamond and is it the school right there, but is there going to be on-street parking there because you're saying it's going to be a wider arterial?

Jean Werbie:

It certainly could have on-street parking. We have not prohibited on-street parking anywhere in the Village where we've got the wider profile. I think it's a little premature at this point. We're trying to compare this to another middle school in proximity in Pleasant Prairie and Lance comes to mind on 80th Street. Typically no cars park on 80th Street, but when there's a large function or event the parking lot is rather small. There are people that park on both sides.

Donald Hackbarth:

That's the reason I bring that up because it looks like that section right there might be kind of vehicle intensive with the school and the playground and the ball diamonds and all that stuff.

Jean Werbie:

And that is correct. However, if you look at the slide, the area that's in the very dark blue at the very southwest corner there's a much, much bigger parking lot there than you would see currently at Lance or some of the other middle schools. So what we've tried to do is make Unified aware of that and they actually put together that sketch for us that they allow for additional parking.

Donald Hackbarth:

Because you see the ball diamonds on the north and I just have this sneaking suspicion that people are going to be lazy if they have their kids playing baseball there and they're not going to want to walk I don't know how many blocks it would be, two blocks to the south to get to the parking lot.

The other comment I have is so in other words we're saying here lots 1 to 20 have no trees on them and no trees would be removed? Lot 1 through 20 is in that upper portion there where we have that tree area that's going to be conserved or preserved? I pulled this big map out and looked at the tree survey. I don't know if they missed trees there.

Jean Werbie:

There are a lot of trees up there, but I believe that their tree survey reflects all of the trees in that area and they butt up to those lots but they're aren't within that lot.

Donald Hackbarth:

Is that an accurate tree survey?

Jean Werbie:

The developer could come up.

(Inaudible)

Donald Hackbarth:

I think that's great. Thank you. The third question I have is I brought this issue up I don't know how many months ago when another development was being proposed or the plat was being examined. You look at the paper, you look at what's going on and it looks like there's a pretty severe downward trend in housing starts and sales. I'd kind of like to know and maybe, Jean, this is a question for you, I don't know. Where is Pleasant Prairie? Are we in the downward trend or where are we at here? You would know that because of permits and things like that.

Jean Werbie:

I can tell you that permit starts are down in Pleasant Prairie compared to in previous years. We're issuing more permits than most communities still, but we are probably in a little bit of a lull right now. But we don't have a lot of subdivisions that are ready, open and available with lots for sale. We have a number of them that the public improvements are under construction and they could start to sell lots, but most of them wait until everything is done with first year public improvements. Like Ashbury Creek is not ready yet, Village Green Heights is not ready yet, Devonshire just started, King's Cove is not ready yet. So there's a number of subdivisions that were approved last year that their first phase of public improvements are not completed yet.

Donald Hackbarth:

You know where I'm going on this. I'd hate to see somebody put a lot of investment into the properties to see the thing fizzle in the sense of not being able to sell it. I think the development here is great, I love it, but my concern is if the economy goes a little more sour you're going to be sitting there with property that you can't sell lots off of to build. But that's their gamble, right.

I have one more. Just a point of comment or I want to get some information on this. We talk about a ten year right of recovery. First of all, why do we have a ten year right of recovery? And I guess the way I'm going on this thing is doesn't the developer really in the end have the right to recover all his investment in improvements or infrastructure?

Jean Werbie:

First of all, the ten year right of recovery for sewer and water, the water has been set by the Public Service Commission, and the Village Board made a determination that all sewer and water right of recoveries would be set at ten years. So they've made a policy decision that there would be a ten year right of recovery. And the developer is only entitled to recover that portion or that amount above and beyond what is attributed to another development or an adjacent property owner benefitting from the improvement that he installs.

Donald Hackbarth:

Within ten years?

Jean Werbie:

Correct.

Larry Zarletti:

When a developer is willing to donate the walking and the bike trail what, if any, time frame is put on that? I mean does the Village dictate that at a certain development stage that that will be put in or what?

Jean Werbie:

We are going to be very specific from this point forward as to when exactly that improvement is installed because there has been some questions in the past by development as to when those improvements are needed and when they wanted to install them if at all. So we will make it very clear and we will find out what the timing is. What we'd like to do is install the trail all at one time if we can from Village Green Park all the way to where it connects to the Community Park. But if we think or believe that that time frame is going to be extended beyond a reasonable period of time, we will collect the funds and possibly install it ourselves, or we will require that it go in at a specific time.

Larry Zarletti:

It's my understanding that oftentimes roads aren't put in until like 50 percent of the subdivision is complete or there's some formula they use for that.

Jean Werbie:

That's correct.

Larry Zarletti:

And I would like to really see something like that for putting in these types of trails just in case there's a 20 percent that doesn't sell for a couple years down the road and they wait. So I would be very much in favor of you doing that.

Jean Werbie:

That's a good point.

John Braig:

Creekside is a good example of that because the development is coming along rather well and there's absolutely no indication of the walking trail that they had promised.

Jean Werbie:

We do have representatives here from Creekside that either can address it now or they can address it when their item does come up on the agenda tonight.

Thomas Terwall:

On Page 6, Jean, the first bullet point, it talks about where the location of 58th Avenue is going to be. And you're saying that 58th Avenue is going to be east of 5726 93rd Street. Why wouldn't 58th Avenue be west?

Jean Werbie:

It should be west.

Thomas Terwall:

Second question. Do temporary cul-de-sacs impact the setback of the house? In other words, if this is only a temporary cul-de-sac, it's going to invade into my property in buying one of those lots.

Jean Werbie:

It could.

Thomas Terwall:

Do I have to meet the setback of the cul-de-sac or do I have to meet the setback of the final road?

Jean Werbie:

It depends. We will have to look to see how they're staging their development to see if actually they're trying to bring that lot in as a buildable lot. It becomes very awkward if they try to create it as a buildable lot when it's still in a temporary cul-de-sac stage. We actually have a couple of those in a couple of subdivisions, and it will be somewhat awkward because we can't have it placed that close and we don't want it necessarily that much further back. So we look at it in a case-by-case basis. We try to transition the housing on either side or adjacent to it so we can step

the homes back. Typically they need a little bit more width in the lot because of the cul-de-sac. So we'll have to look at that on a case-by-case basis.

Thomas Terwall:

My final question is I understand this is only a conceptual plan, but there have been several references tonight as to further discussions with the developer as to whether or not he's going to participate in a cost sharing. If we approve the conceptual plan does that bind us?

Jean Werbie:

I assume those discussions are going to take place this week before it goes to the Village Board, or the Village Board may likely table the conceptual plan until those discussions take place.

Thomas Terwall:

Because if it's going to bind us then I'm going to have to table it here, too.

Jean Werbie:

I'm not sure if it binds us at Plan Commission because we're the recommending body, but I certainly would like to get some policy issues worked out before we got to the Village Board or as a condition of the Village Board's approval.

Thomas Terwall:

In fairness both to the Village and to the developer I think those things have got to be finalized before we give it the final okay.

Jim Bandura:

That's true and I do agree with Tom. To take it one step further on page 8, item 1 regarding the status of the additional right of way, I assume that's going to come up for discussion also, Jean? At the bottom.

Jean Werbie:

Yes it will. That needs to be resolved before a preliminary plat.

John Braig:

One more comment to the developer regarding a tree preservation. We're expecting some meaningful penalties if trees are removed, and I would hope a rather simplified method of applying those penalties and we'll be looking for some meaningful wording when you bring it into this Board again.

Jean Werbie:

I have a couple other things that I need to add. The development to the south of Stonebridge Farms West is known as the Courts of Kensington. That development, the northern portion, will need to get its sanitary sewer through the Stonebridge West development. So we'll need to see a sanitary sewer extension through one of these lots on the south end in an easement to their northern property line. So I'm not sure if it's going through Lot 105, 104, 103 or 102 but we'll need to get that into the staff comments as well. We'll need to get a sewer extension through an easement to their property boundary line.

The other thing is just to clarify if I misspoke. I'm recommending that Outlot 10 be placed into the C-2 District as well. And then one other thing, as we noted several times that there's floodplain and shoreland that is within this development, those boundary limits need to be clearly delineated on the conceptual plan as well as preliminary and final plat as we move forward because we do measure some setbacks and building areas and so we need to make sure those are clearly shown.

Thomas Terwall:

I'm definitely in favor of the proposal and I'm definitely prepared to send a favorable recommendation to the Village Board as long as it's clearly understood that there's a resolution of these items before the Village Board takes final action. We have held other developers to the fire. We are not in a position to subsidize development. If you look at what came out of the Legislature this week out of the Assembly budget it's going to get worse at least over the next four years. I don't think we can allow any development to occur that doesn't pay it's own way.

John Braig:

I think approval at this time is premature.

Wayne Koessl:

Can it be part of our motion that it has to be satisfied before the Village Board acts on it?

Jean Werbie:

Unless the developer is willing to comment on it.

Russ Swanson:

Again, Russ Swanson, Vice President of Westminster Swanson, Lake Forest, Illinois. If I can, as far as the fees go I think there are some areas that are still a little ambiguous and what fees are going to be what. But as far as the fees for the fire, the park, the fees we're talking about right now, I think between the Village and us we're going to be able to work that out. It's not going to be a deal killer. Basically we're kind of on hold waiting to find out about the bond on 93rd Street and where that's coming from before we really wanted to put a pen to anything. But these fees here are basically fees that are going to come out of the homes individually as they're built and they're really not going to affect our bottom line but we're trying to be cautious before we can—

Thomas Terwall:

As are we.

Russ Swanson:

And I see that. But if I could, trying to separate the two issues it's kind of hard to do that. But I think we're going to be able to terms. I know we're going to be able to come to terms on the fees. The fees that are written in this document here right now I'd agree to today.

Thomas Terwall:

And we're not asking that. I don't think the Plan Commission is saying that's got to be hammered out tonight, but it's definitely got to be hammered out before the Village Board approves the conceptual plan. That's what I'm saying.

Jean Werbie:

So, Mr. Swanson, are you agreeing to Items 1 and 3, the \$891 payment per residential unit as well as the transportation improvement cost fees.

Russ Swanson:

The \$891 I would agree to, and the transportation I wanted to discuss that a little bit more. It's pretty close to where I thought we'd be, but—

Jean Werbie:

I think these are the same fees that we had put in for the Stonebridge East. Oh, it came in with Devonshire.

Thomas Terwall:

We don't need to get that resolved tonight. We just need to make sure that . . .

Jean Werbie:

Then I was just curious as to whether or not they had an opportunity to meet with the Falcons and get any resolve on that issue.

Russ Swanson:

I can speak to that. On June 12th at 6 p.m. I met with Mr. And Mrs. Falcone as well as their daughter and Roger and Betty and basically laid out the plan. I brought a large scale copy. They're in the crowd now and I don't want to speak for them. I can speak to what my part of it. I explained to them that the connection would be really to both of our advantages. Their biggest concern is their above ground pool, about moving that. They said that's a big issue with the kids

and we understood. I think if that was the only sticking point and if that's the worse problem we have it's a good problem to have. We can move the pool.

John Braig:

I'm reluctant. In my mind there's too many thing hanging out here. If wonder if there would be a benefit to delay this for a two week interval and get some of these issues resolved.

Thomas Terwall:

(Inaudible)

Larry Zarletti:

Couldn't we move to approve this subject to staff meeting with the developer and working out some of the final monetary details before the Board meeting?

Thomas Terwall:

Yes.

Larry Zarletti:

I will make that in the form of a motion.

Jim Bandura:

And I will second.

Thomas Terwall:

It's been moved and seconded then to send a favorable recommendation to the Village Board to approve the conceptual plan subject--

Jean Werbie:

I'm sorry, one of the other Plan Commissioners had some questions.

Andrea Rode:

I have some questions regarding the covenants and wondered--some of the questions I guess Jean put down some of her concerns and some of these were concerns of my also like filling out sheds, how many, pools, fence which can be a huge issue with neighbors and other subdivisions if all these subdivisions don't flow to where they all kind of have the same look. So I just wondered if they were going to address these at what time.

Jean Werbie:

Russ, are you able to respond to the markup that I gave you?

Russ Swanson:

Yes. I went through this over the weekend. Did you want me to go through all of them or general?

Thomas Terwall:

General.

Russ Swanson:

Okay. The fences, what I wanted to do and I did get my hands on the CCRs for the surrounding development and I'd like to sit down and study that. Basically I don't want to overdo it or under do it. I'd like to follow along so we're a good neighbor and so we match what the others are doing. There are some items in there about the outbuildings and the sheds. If it were up to me or our architects in the office, and I'm not an architect, but if one of the architects—I think we'd probably say a limit of one outbuilding or shed of some type. I think if you do more than one it's going to get a little cumbersome. We've done a lot of building as well as developments so we're familiar with the different styles and types. You definitely when in Rome you want the right product.

As far as the materials there's comments in here about the different types of materials and what percentage. I think out of anything you're going to find that our architectural review is going to be tougher than anybody in house. It's hard to say right now what percentage of what percentage of what but I can tell you it's going to be a strict review. Definitely there will be brick, there will be stone, there will be stucco, upgraded materials. Again, we don't want to price ourselves out of the market. We want to be priced accordingly, but we definitely don't want to have the cheapest product either. So if there's anything else I'd be glad to answer if I can.

Andrea Rode:

(Inaudible) . . . fences are allowed . . . in the City not too far from us I think that in your subdivision because of the others

Russ Swanson:

I totally agree. Typically what we approve in our developments are split rail and if you've got dogs then we allow the mesh behind it. You really can't see it from the road. We try to keep everything as natural and fit with the structures around it. We hate the large fences. We're on board with you with that. But, again, we'd like to study the other CCRs of the other developments and make sure we're not shooting ourselves in the foot. But if we hurt the value by doing something that goes against the look of it it hurts us more than anybody because in the end we can't sell it.

Jean Werbie:

I just wanted to mention that they'll be responsible for making any amendments or changes or corrections to these declarations and submitting them with any revised conceptual plan or with their submittal of their preliminary plat as well. I'd be happy to sit down with Russ or his attorney to go through some of the issues, concerns and pitfalls that other developers have dealt with. That's how I start to get a lot of these comments because there have been problems that have come up in some of the earlier subdivisions. We want to make sure they've thought through exactly what they want to do and what they want the subdivision to look like, how many outbuildings, what monotony provisions you're going to create. There's so many things that we would like them to think about just because we know that other associations have run into those problems.

Jim Bandura:

Just a quick comment. I do want to compliment the staff for their diligence in reviewing this. I just think our staff does a great job just looking at all of the comments that you do have on it.

Larry Zarletti:

Do you want me to re-read the motion or do you have it? Move approval subject to the developer working out cost sharing issues prior to this being presented to the Village Board.

Jim Bandura:

I second.

Thomas Terwall:

SO IT'S BEEN MOVED BY LARRY ZARLETTI AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN SUBJECT TO RESOLUTION BETWEEN THE DEVELOPER AND STAFF THOSE ISSUES SUCH AS COST SHARING AND OTHER ISSUES THAT ARE NOT YET FINALIZED PRIOR TO THE TIME THAT IT GOES TO THE VILLAGE BOARD. OUR RECOMMENDATION IS CONTINGENT ON THAT.

Jean Werbie:

As well as all the other comments and conditions in the staff memo including the comment that Mr. Zarletti made earlier this evening regarding putting in time frames for installing the walkway trail.

Thomas Terwall:

Yes. All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

I think the developer has got merit but I think approval at this point is premature so I vote opposed.

Thomas Terwall:

With regard to the fences it's easy to say no until somebody puts in an in-ground pool. Now you've got a problem. The law says you have to have a fence.

B. PUBLIC HEARING AND CONSIDERATION OF THE FINAL PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS for the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for The Settlement of Bain Station LLC and The Landing at Bain Station LLC, owners of the properties generally located at the northeast corner of CTH H (88th Avenue), and Bain Station Road for the proposed Bain Station Crossing Development including 43 single family lots, two (2) lots to be further subdivided into condominiums and four (4) outlots to be used for stormwater management purposes and future development.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, the request you have before you this evening is consideration of the final plat, development agreement and related documents at the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for The Settlement of Bain Station LLC and The Landing at Bain Station LLC, owners of the properties generally located at the northeast corner of 88th Avenue and Bain Station Road for the proposed Bain Station Crossing Development including 43 single family lots, two lots to be further subdivided into condominiums and four outlots to be used for stormwater management purposes and future development. This is a matter for public hearing.

The petitioner is requesting approval of a Final Plat for the proposed Bain Station Crossing Development generally located at the northeast corner of Bain Station Road and County Trunk Highway H within the Prairie Ridge Neighborhood. The Development proposes to create 43 single family lots, two lots to be further subdivided into condominiums, three outlots to be used for storm water management purposes and one outlot to be used for future development.

Under Comprehensive Plan Compliance, in accordance with the Village Comprehensive Plan, the Prairie Ridge Neighborhood is classified as being within an Upper Medium Density Residential land use category having lot areas between 11,999 and 6,200 square feet per dwelling unit. This allows for some areas of the Neighborhood to have larger lots while some areas to have smaller

lots or to be developed as multi-family units. On December 11, 2006, the Plan Commission held a public meeting and approved a revised Neighborhood Plan for the Prairie Ridge Neighborhood.

Under conceptual plan approval, on December 11, 2006, the Plan Commission and on December 18, 2006 the Village Board conditionally approved the Conceptual Plan for the proposed mixed residential development and this included at that time 44 single family lots to be known as The Settlement at Bain Station Crossing; 108 condominium units which included four 8-unit buildings, ten 4-unit buildings and six 6-unit buildings to be known as The Landing at Bain Station Crossing Condominiums; and 95 senior condominium units, one 25-unit building and two 35-unit buildings to be known as The Summit at Bain Station Crossing Senior Condominiums.

Next was the preliminary plat approval. On March 26, 2007 the Plan Commission and on April 2, 2007, the Village Board conditionally approved the Preliminary Plat for the proposed Bain Station Crossing Subdivision. Now we are down to 43 single family lots, two lots to be further subdivided into condominiums and three outlots to be used for storm water and for future development. Preliminary Condominium and Final Condominium Plats will also be considered by the Plan Commission and the Village Board for the two lots that are proposed to be developed as condominiums prior to the approval and construction of any condominium units.

Under zoning map amendments, on March 26, 2007 the Village Plan Commission and on April 2, 2007, the Village Board approved the Zoning Map Amendment, Ordinance 07-07, for the following:

- to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District;
- to rezone Lots 1-3 and 6-43 and Outlot 2 into the R-4, Urban Single Family Residential District;
- to rezone Outlots 1, 3 and 4 into the PR-1, Park and Recreational District;
- to rezone Lot 44 into the R-11 (UHO), Multiple-Family Residential District with and Urban Landholding Overlay District for a future senior condominium development;
- to rezone the non-wetland area of Lot 45 to the R-10 (UHO), Multiple-Family Residential with and Urban Landholding Overlay District for future condominium development.
- The non-wetland areas on Lots 4 and 5 will remain in the C-2, Upland Resource Conservancy District and the FPO, Floodplain Overlay District within Lot 45 will remain.

The UHO areas will remain on Lots 44 and 45 until the Final Condominium Plat is considered and approved by the Village.

Under variances, on April 2, 2007, the Village Board approved the following variances from the Village Land Division and Development Control Ordinance subject to conditions specified in Variance Grant Document #07-01:

1. A Variance from Section 395-60 G (2) related to the tangent sections between reverse curves on 83rd Street at Lots 2 and 43, on 84th Street at Lot 22, and on 85th Avenue at 83rd Place.
2. A Variance from Section 395-60 H (2) related to the centerline profile of 85th Avenue between 83rd Street and 83rd Place which has been designed with a 2 percent super elevation tipped to the east.

The Final Plat for Bain Station Crossing complies with the approved Prairie Ridge Neighborhood Plan, the Conceptual Plan and the Preliminary Plat as discussed above.

A general overview then of the residential development, approximately 72.4 acres of the property is proposed to be developed into a mixed use residential development with single family lots, future condominiums and future senior condominiums.

The Final Plat proposes to include 43 single family lots and four outlots on approximately 31.17 acres of land located on the western portion of the site. Outlots 1, 3 and 4, which are located on the west side of 85th Avenue, are to be identified for storm water drainage and maintenance purposes. Outlot 2, which is located to the east side of 88th Avenue at the northwest corner, is identified for future residential development. Currently it has some single family home development on it which is intended to be razed. The single family portion of the development will be known as The Settlement at Bain Station Crossing.

Two of the single family lots as mentioned previously, Lots 4 and 5, are proposed to be 4.5 acres and 2.9 acres respectively. These are the lots that will remain in the C-2 designation. The remainder of the lots within the development range in size from 35,234 to 15,001 square feet with an average lot size of 18,832 square feet per lot. The zoning for the bulk of the single family is R-4, Urban Single Family Residential District. Again, there is a portion that is zoned C-1, Upland Resource Conservancy District as well. Upon recording of the Final Plat, Lot 4 will be a buildable right away. Again, that Lot 4 is the one that is adjacent to 82nd Street just south of the Hidden Oaks Apartment development. Upon that being buildable at the time of building permit, that property will need to be paying the special assessment right of recovery that is outstanding for the public improvements that were installed in 82nd Street.

There are five existing homes or there were, and their accessory structures within the proposed development site located along 88th Avenue, they're all in the process of being razed if they have not all been brought down at this point. Proper razing permits and inspections are required to be obtained from the Village prior to the razings. All structures and foundations shall be removed and all related inspections shall be completed prior to acceptance of the Phase 1 Required Public Improvements. I'm not sure, are they all down at this point? All of the structures are down according to the developer.

Lot 45 will be further subdivided into 108 condominiums. The condominiums are proposed to be developed on approximately 26.3 acres located on the eastern portion of the site. The condominium portion of the development will be known as The Landing at Bain Station Crossing. Up on the slide are two examples of two of the areas, the 4-unit and the 8-unit building in that particular area.

Lot 44 will be further subdivided into 95 senior. The senior condominiums are proposed to be developed on approximately 7.14 acres located in the north central portion of the site. The senior condominium portion of the development will be known as The Summit at Bain Station Crossing. Again, on the side it identifies what one of the buildings will look like.

The developer will be required to submit a revised Neighborhood Plan, a Conceptual Plan, a Preliminary Plat, a Final Plat and a Zoning Map and Text Amendment for the development of Outlot 2, again that's the one outlot for future development when they are ready to move forward with that development.

In addition, with respect to the condominium portion, plats both preliminary and final will be required to be submitted and reviewed and approved as well as Zoning Text and Zoning Map Amendments to place PUD overlays on those particular areas. Amendments to the development agreement will need to be entered into at that point for any future or additional developments or improvements that need to be made.

The entire development provides for a net density of 4.11 units per net acre. The population projections for the single family portion 43 single family units, 117 estimated persons, 27 school age children or 18 public school age children.

Under open space within the development, about 14 percent of the entire site is proposed to remain as open space, and this includes wetlands, woodlands, floodplains and other open space in the development area. Specifically, under wetlands and floodplain a total of 4.47 acres have been field delineated as wetlands. Wetland areas 1 and 2 were field delineated by Alice Thompson & Associates on April 13, 2005 and approved the DNR on May 10, 2005. Wetland area 3 was field delineated by Wetland & Waterway, LLC on June 21, 2006 and approved the Wisconsin DNR on July 26, 2007.

The southeast portion of Wetland area 1 is also located within the 100-year recurrence interval floodplain. Both the wetland and the floodplain areas are proposed to be preserved as a part of the development. Typically, and this is a little unusual, but typically wetlands are not recommended to be located within new platted lots; however due to the size of the woodland conservancy protection areas, and in this case we have a wetland that traverses within the woodland protection area, we're recommending that the wetlands and the woodlands be incorporated right into Lots 4 and 5.

Under woodlands a tree survey was prepared and a number of trees are proposed to be preserved in the development site. Approximately eight acres of trees within woodland preservation easements in Outlots 1, 2, 3 and 4 and on Lots 6, 8-16, and 19-44 have been identified for protection. Approximately 7.4 acres of the property is zoned C-2 and are proposed to be developed only with the lot clearing for the single family lot portion.

Under public improvements, public roadways and improvements, the developer is proposing to dedicate and construct the following public roadways, 85th Avenue as it traverses north/south through the development site from Bain Station Road north to the Hidden Oaks Project; 83rd and 84th Streets west of 85th Avenue; 87th Avenue between 83rd and 84th Street; and 83rd Place west of 87th Avenue. As you can see, everything to the west of 85th Avenue is a public roadway, and the

three cul-de-sacs east of 85th Avenue, although they're going to be built to the Village's public roadways standards, they will be identified as private roads.

Existing arterial roadways and required transportation improvements:

- 88th Avenue or County Trunk Highway H is classified as a Kenosha County arterial street. Pursuant to the Village's Long Range Transportation Plan, 88th Avenue should be improved and widened by Kenosha County when traffic counts and new developments warrant such improvements. A 100 foot right-of-way shall be dedicated for CTH H, unless additional right-of-way at some point is needed. And Kenosha County has indicated that the only additional right of way would be at that intersection of 88th and Bain Station.
- Bain Station Road is classified as a local arterial street. Pursuant to the adopted Village Long Range Transportation Plan, Bain Station Road should be improved and widen when traffic counts and new development warrant such improvements. In addition, pursuant to the Village Park and Open Space Plan, the Plat shall provide for a future on-street bike trail on Bain Station Road adjacent to the Development. This on-street bike trail on Bain Station Road is proposed to be constructed at the time that the roadway is widened. Therefore, Bain Station Road is proposed to have an 80 foot right-of-way.

The Developer is dedicating 40 feet of right-of-way and will be constructing the required acceleration/deceleration lanes and by-pass lane adjacent to the intersection of 85th Avenue in Bain Station Road.

Pursuant to Section 395-70 F of the Village Land Division and Development Control Ordinance the Village Administrator has the authority and has agreed to allow the required public improvements usually completed during the Phase 2 construction to be made during the Phase 1 construction, and the improvements usually made during the Phase 3 construction to be made during Phase 2 construction. What that means is that the developer will be placing granular backfill material in the trenches after the utilities have been installed, sewer, water and storm sewer at that entrance of their development on 85th Avenue just north of Bain Station Road and that will extend north to 84th Street. So there will be a small segment of the roadway that you will see that actually will get paved as part of the Phase 1 public improvements.

In addition, the Developer will be responsible for paying a transportation improvement fee for their fair share of reconstructing and widening Bain Station Road and 88th Avenue to an urban profile, with an on-street bike trail on Bain Station Road. This cost shall be paid to the Village as specified in the Development Agreement.

Then finally we have intersection improvements at Bain Station Road and 88th Avenue: The Developer has contracted with Wayne Higgins with Traffic Engineering Services, Inc. to prepare a traffic study report as requested by Kenosha County to evaluate the intersection of Bain Station Road and 88th Avenue. The traffic report was submitted and reviewed by Kenosha County and the Village. The following improvements will be constructed at this time by the Developer, again, as part of the Phase 1 improvements.

- Dedicated right turn lanes will be constructed on Bain Station Road both east and west of 88th Avenue.
- Stop signs will remain on Bain Station Road both east and west of 88th Avenue.
- All work will be done within the existing right-of-way.
- The existing utility pole(s) on the northeast corner will need to be relocated.

Under municipal water, it will need to be extended within the full length of the Bain Station Road adjacent to the Development and shall be located within the public and private roadways to service the development. Municipal water will connect to the existing water main in 85th Avenue and 88th Avenue for a looped system.

Under municipal sanitary sewer, the service will be extended into the development from along the eastern property boundary within easements, through Lot 45 where the future private roadways will be constructed and in the single family portion of the development where the public roadways will be constructed.

Municipal sanitary sewer will not be extended in 88th Avenue; however, sanitary sewer will be provided in an easement through Lot 23, which is at the very southwest corner of this development, to service the existing homes with first floor sewer service in the future if the property owners extended sewer across 88th Avenue to their homes. Right now there's just one home site now. Actually there's two home sites on the west site, the converted St. Anne Parish Center which is now a single family home and then one additional home to the north. The existing vacant land and homes on the south side of Bain Station Road could be serviced by an extension of the existing sanitary sewer main adjacent to the UP Railway and/or by an extension of sanitary sewer main in a future road south of their existing homes. So the sewer in this development will not service the areas south of Bain Station Road.

Under storm sewer and retention facilities, the developer's engineer has evaluated the development site, based on actual field conditions and has presented a storm water plan to the Village Engineer which he has reviewed and approved. Public storm sewers will be constructed in all public and private roadways and be discharged into the five retention basins within the development site. Retention basins will be constructed within Outlots 1, 2 and 3 and within easements in Lot 45 to service the development.

For right of recovery, a ten year right of recovery may be afforded to the Developer for the municipal water main improvements installed within Bain Station Road to service the lands on the south side of the Road if, after holding a special assessment hearing, the project is approved by the Village Board. On June 18, 2007 the Village Board adopted a Preliminary Resolution and on July 16, 2007 a Special Assessment public hearing, which is Monday night, has been scheduled related to the off-site municipal water improvements.

Water connection is not mandatory for the adjacent, off-site properties. The adjacent property owners would be required to pay the water special assessment costs only if they choose to connect to the municipal water system, and/or if any new homes are constructed, and/or if any

land division is proposed in which case the special assessment will be required to be paid prior to recording a CSM or a Plat.

With respect to site access:

- There shall be no direct access to 85th Avenue for any of the condominium units or single family units.
- An entrance from 85th Avenue to the senior condominium units in buildings 1 and 2 shall align with 83rd Place, a private road servicing the condominium and a second access to service building 3 will be located approximately 180 feet south of 83rd Place entrance.
- A third access shall be provided to service all three senior buildings from 83rd Street.
- There shall be no direct access to Bain Station Road and 88th Avenue with the exception of a driveway to service Outlot 2 if it's just a single family home or a multifamily building, or potentially a private road to service Outlot 2 if more units are placed on that particular outlot. In any event, Kenosha County has to approve any connections through an access permit to 88th Avenue for Outlot 2.
- The existing gravel drive and culvert directly east of 85th Avenue from Bain Station Road and all existing residential and agricultural driveway access points to 88th Avenue shall be removed the areas shall be restored with one exception and that's the construction access.

Construction access for the installation of public improvements and house construction shall utilize a temporary gravel construction access roadway from Highway H, with Kenosha County's approval. No construction access will be allowed from 82nd Street and 85th Avenue through Hidden Oak Apartment Development or from Bain Station Road into The Settlement at Bain Station Crossing and The Summit at Bain Station developments unless approved by the Village and subject to any conditions that the Village may impose.

And, finally, with respect to the fiscal review, in addition to the impact fees due at the time of building permit, the Developer has agreed to a cost sharing agreement to donate \$891 per each new residential housing unit as a cost sharing contribution for each of the residential units within the development to address current shortfalls in funding/fees collected for police, fire, EMS and public works impact fee needs as a direct result of this development. The referenced \$891.00 per unit shall be made to the Village each time that a lot is sold in the subdivision and the fee interest title of the lot is transferred to a new owner or as a condition to the issuance of a building permit, whichever occurs first.

The Developer will also be responsible for the paying a transportation improvement fee for their fair share of widening Bain Station Road to an urban profile with an on-street bike trail on Bain Station Road. The cost has been estimated by the Village Engineer to be \$1,678.56 per residential unit or lot. This Final Plat will develop 43 single family lots, therefore this payment will need to be made each time that a lot is sold and title is transferred or as a condition precedent to the issuance of a building permit, whichever occurs first.

With that, I will continue the public hearing. The developer is in the audience and I'm not sure if he has anything to add.

Mark Eberle:

Hi, there, Mark Eberle, Nielsen, Madsen & Barber Engineers, 1339 Washington Avenue, Racine here tonight representing Mr. Dillworth. First of all, I'd like to thank Jean for that presentation. She does a wonderful job, better than I could ever do. I guess I think this is maybe the third or fourth or possibly the fifth time we've been in front of this Board. It's been a long process and we're really excited to be getting to the end of the game here. I'd be happy to answer any questions you have on anything throughout the development. Thank you.

Thomas Terwall:

This is a matter for public hearing. Is there anybody else wishing to speak? Anybody wishing to speak? Anybody wishing to speak? If not, I'm going to open it up to comments and questions from Commissioners.

John Braig:

Question to the developer. Are you familiar with all the comments and conditions that the staff has included?

Mark Eberle:

Yes.

John Braig:

Thank you.

Thomas Terwall:

Do you have any clout over the railroad as far as crossings? We're looking for somebody that does because we sure don't.

Judy Juliana:

I have a question to Jean. Jean, a few weeks ago we had a meeting on the financial impact analysis and I was wondering what the status is on that and we'll be able to have a final recommendation on that.

Jean Werbie:

I don't know what the exact status is. As I mentioned earlier, the IT department is working on the process right now and they're updating some information for their model. They had just received some additional information back from several departments to put into the model. Our departments are all starting the budget at this point for 2008, and so I think they have set it aside

for a couple, three or four weeks and will take it up and work on it and get it completed in probably August would be my guess.

Jim Bandura:

This is a question to staff. On lots 24 through 32, the dedicated woodland access and easement, what's the setbacks, the front yard and the rear yard setbacks going to be? It looks like it cuts through half of the properties there. So what's going to be the front setback and the back yard setback?

Jean Werbie:

The street yard setback is 30 feet, side yard setbacks are 10 feet, and we do not have a setback to the woodland easement. The easement is intended to be at the drip line of the trees.

Jim Bandura:

So they can build the house right up against it?

Jean Werbie:

That would be a pretty big house, but—

John Braig:

Up to the easement which is then the edge of the drip line.

Jean Werbie:

Right. In most cases they won't do that because most homes have a back porch or a deck or something that they would like to put on the back. So before anyone purchases these lots they are aware of what the restrictions are and so they need to design their home accordingly.

Donald Hackbarth:

Mark, I've got a question. I don't know what lot it was, 22 or 23, the one in the corner there, remember we were talking about the Police Chief wanting to burn it, a controlled burn. Is that one tree that was right up against the house going to be preserved?

Mark Eberle:

That tree was preserved during the demolition so it is still there. They did not burn the house. They took it down with a backhoe.

Donald Hackbarth:

Is that still going to be saved or do you know?

Mark Eberle:

That tree is very near the building pad and that's one that will have to be looked at when someone comes in with an actual floor plan with that lot.

Donald Hackbarth:

Okay. I've got a comment here. I've just to say I've gone on a couple of these woodland walks or tree survey walks, whatever you want to call it. I really appreciate all the work that you did to try to preserve the natural resources of the trees that we have. I find that's not always the case. Let me back up with a little history. I was an engineer before I became a pastor and a doctor. But when I graduated in '68 from the Milwaukee School of Engineering it was called EIT. I don't know if it's still the same. You have to take your test and I took it at Marquette and passed it and you had to wait five years and take the second. I never got that far to get the professional engineer. I know in those days that's years ago. Being a design engineer for a number of years there was a different kind of flexibility in engineers that I saw in those days. You just had to fly by the seat of your pants because when you designed equipment you had to modify and modify your drawings.

The sad part about today sometimes, and this is what I appreciate about you, but the sad part about today is sometimes when professional engineers design something and put it down in writing it's immovable. Now here it is and now everything has to be cleared to fit this pad and that just irritates the heck out of me. I really appreciated the several walks that we went with you on that when we looked and surveyed trees you had a heart or were open enough to at least look at and preserve as much as we could. I really want to thank you for that.

Mark Eberle:

I would like to say your planning staff, your engineering staff, your staff in general in here at Pleasant Prairie is probably one of the best around to work with and I enjoy it.

Thomas Terwall:

Thank you. Appreciate the input. I have a comment. Even though you're still working on the financial impact analysis, are you fairly comfortable that the numbers we're using on an interim basis are quite close to what you think you're going to end up at?

Jean Werbie:

We are. And, in fact, this particular developer understands the concerns that we had especially with respect to the transportation improvements that are going to be needed for this particular development, both at the intersection of Bain Station Road and H as well as the improvements to Bain Station Road. So they have in advance agreed to those costs and the cost sharing for those improvements. So that would have been a substantial cost for this particular development in addition to the other impact fee costs.

Thomas Terwall:

Thank you.

Jean Werbie:

I do want to bring one other thing to your attention. Unfortunately, when you try to save something or protect something you run into another issue someplace else. The issue that we ran into with respect to this development is that in order to service this subdivision with electricity we need transformers and the placement of the transformers in this development is very difficult because of the grade of the property as well as wooded areas of the property. So we spent a great deal of time and we still need to write some language creates conflicts in the declarations because of the setback spacing between a transformer and any window or opening for a home. But we're not putting them at the street and we're not putting them in the trees. We're kind of putting them someplace in between. So we just need to make sure, and they'll need to make sure, because we'll be checking when homes are built that they always maintain setback separations from those transformers. So it's a little bit more tricky on this development because of that. But we are going to accommodate it, and there's probably more easements on this plat for utility easement purposes because of that and we're still working to get that done.

Donald Hackbarth:

Just a quickie comment here and it doesn't pertain to this property but we brought up Bain Station Road and improvements. Do you know when from Steinbrink west that thing is going to be fixed or are they going to still tear it up some more?

Jean Werbie:

I don't know what the timing is. But at the next Plan Commission meeting I will let you know. I know they wanted to open it sooner than later but the road did get ripped up pretty good because the improvements which they thought could have been placed further to the north of the right of way unfortunately there was some underground wiring that was there and some conduit that was already placed there, fiber optics, that they could not move and they could not work around. They ended up actually working right into the road pavement areas in order to put in the improvements.

Donald Hackbarth:

So this isn't going to be a highway 31 railroad track outfit is it?

Jean Werbie:

A what?

Donald Hackbarth:

How many years have we tried to get those railroad tracks—

Jean Werbie:

No, the road does need to get open for people to be able to utilize within the next month or so, but there does need to be some work done to the pavement now to get it restored.

John Braig:

With reference to the transformers or the electric distribution system, do you know if the technician or the engineer for the electric company has made a preliminary layout?

Jean Werbie:

Oh, yes. That's a requirement. All of that has to be incorporated in the closing documents. We not only did a preliminary but we did a second look and a third look. Two weeks Rich Hooper from We Energies came and we sat down and specifically we mapped everything out with him and then we started to look at distances because we don't want there to be issues for homes. So, yes, in this particular one when you've got grade changes and trees and retention basins and wetlands, when you have all those issues they need to really take close looks and they have been.

Thomas Terwall:

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

Donald Hackbarth:

So moved.

Judy Juliana:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JUDY JULIANA THEN TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE FINAL PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

C. PUBLIC HEARING AND CONSIDERATION OF THE FINAL PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS to consider the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC, owner of the property generally located north of 93rd Street east of Old Green Bay Road in the Village of Pleasant Prairie for approval of a Final Plat for Creekside Crossing Addition #1 Subdivision.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, I would ask that both Items C and D be discussed at the same time but with separate action taken by the Plan Commission.

Thomas Terwall:

Go ahead.

D. Consider the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC for consideration of a Certified Survey Map to dedicate right-of-way for the future construction of 91st Street between Old Green Bay Road and Creekside Circle.

Jean Werbie:

Item C is a public hearing and consideration of the final plat, development agreement and related documents and this is at the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC, and this is for the property north of 93rd Street, east of Old Green Bay Road, and this is for a final plat for Creekside Crossing Addition #1 Subdivision.

Then the next item we'll be talking about as well is for the certified survey map to dedicate road right of way for the future construction of 91st Street, and this is the roadway that will interconnect the Creek Circle portion of the Creekside Crossing development to Old Green Bay road.

The petitioner is requesting approval of the Final Plat for Creekside Crossing Addition #1 and approval of a Certified Survey Map to dedicate 91st Street that will extend from the development to Old Green Bay Road. Creekside Crossing Development is generally located north of 93rd Street at 63rd Avenue.

The Stage 2 Final Plat, which is being presented this evening, proposes to create nine single family lots and 3 Outlots. The single family lots range in size from 15,171 sq ft to 29,456 sq. ft. with an average lot size of 21,507 sq. ft. Outlots 7, 8 and 9 will be retained by the Developer for future condominium development.

This Final Plat, known as Creekside Crossing Addition #1, is part of larger mixed residential development known as Creekside Crossing which we've been working on for several years. The entire Creekside Crossing development is being constructed in the following stages:

The single family development is being constructed in two stages, Stage 1 is 15 single-family lots and Stage 2 is 9 single-family lots. The condominium portion is being construction in three stages, Stage 1 is 116 condominium units, Stage 2 is 85 condominium units and Stage 3 is 88 condominium units. Stage 1 single family and Stage 1 condo developments received final plat approval and are under construction. The final plat for Stage 2 is being considered tonight.

The Final Plat and the Certified Survey Map is in compliance with the Comprehensive Plan, Whittier Creek Neighborhood Plan, the Conceptual Plan as conditionally approved on March 3, 2003 and the Preliminary Plat as approved on October 20, 2003 which was re-approved on August 7, 2006

Population projections for this entire development upon full build out will have 312 dwelling units with approximately 852 persons. Pursuant to the information provided to the Kenosha Unified School District for Pleasant Prairie, it's estimated that 131 school age children could come from this development at full build out.

Open space for this development, approximately 28 acres or 23 percent of the entire development is proposed to remain in open space and that open space includes parkland, wetlands, floodplain and shoreland. Specifically as it relates to the parkland, as indicated in the Neighborhood Plan an open space corridor will be extended from 93rd Street north along the Jerome Creek that traverses the Creekside Development and connects two public parks as shown on the slide. The park areas, totaling 3.77 acres excluding the floodplain and are proposed to be dedicated to the Village within the Creekside Crossing development. In addition, a 15 foot easement is being dedicated along the west side of the Jerome Creek and a 10 foot wide pedestrian path will be constructed by the Developer within that easement that will connect the two park areas. The trees along the creek bed area will be preserved to the extent allowed by the Wisconsin DNR.

Under wetlands, a total of 4.58 acres of wetlands located within several of the Outlots will be preserved. The wetlands on the property have been re-staked and field delineated by Hey & Associates on June 17, 2002. The Army Corps of Engineers approved the wetland staking on April 22, 2003. Final written approval was received from the DNR dated February 2, 2005 that indicated that if a Chapter 30 permit is issued by the Department wherein a delineation was included then the delineation is deemed approved. On April 5, 2004 the DNR approved and issued a Chapter 30 permit and therefore the wetland staking was approved by the DNR on April 5, 2004.

Under floodplain and shoreland, on June 5, 2002, the Wisconsin DNR located the Ordinary High Water Mark adjacent to the Jerome Creek that traverses the property. The Jerome Creek and adjacent areas are located within the 100 year floodplain and the Creek has been designated as wetland. As indicated on the Neighborhood Plan, the Conceptual Plan, the Preliminary Plat, Preliminary Condominium Plat and Final Subdivision Plat a floodplain boundary adjustment for floodplain associated with the south branch of the Jerome Creek that traverses the property is required to develop the site. After the floodplain boundary adjustment, 17.68 acres of floodplain will be located within the Development.

On October 20, 2003 the Village Board approved Resolution #03-42 related to the Floodplain Boundary Adjustment, the DNR approved the floodplain boundary adjustment on January 13, 2005 and the Developer received a Conditional Letter of Map Revision or CLOMR from the

Federal Emergency Management Agency. A portion of the floodplain adjustment was completed for the area currently being development and the remainder of the site will be completed with the installation of the public improvements associated with the Final Plat for Creekside Crossing Addition #2 or the Final Condominium Plat for Addition #1.

Although a portion of the floodplain boundary adjustment has been completed on site, the floodplain boundary adjustment cannot be approved by the DNR and FEMA in phases and the floodplain boundary map and zoning text amendment cannot be completed by the Village until DNR and FEMA approves the adjustment.

The 100 year floodplain boundary adjustment is proposed to be completed with the next phase of Condominium Development. Upon completion of the floodplain boundary adjustment for the entire site the Developer will be responsible to submit topographic as-built map with soil calculations specifically identifying the location and volumes cut and filled. The Developer shall submit and receive a Final Letter of Map Revision from FEMA. Upon receiving the LOMR from FEMA, the Developer shall request an amendment of the Village's Floodplain Zoning Text and Floodplain Map. A Certificate of Compliance with the floodplain boundary adjustment shall not be issued by the Village until the Zoning Text Amendment is approved by the Village.

A total of 1.89 acres of other open space that's non-wetland and non-floodplain area will remain in open space. Several retention facilities to handle the storm water management requirements are provided. The Developer's engineer has evaluated the development site, as well as the entire drainage basin tributary to the development and as a part of the engineering plans has included a storm water management facility plan, which meets the Village requirements and included in the Engineering Plans. The retention facilities located throughout the development are proposed to be used for storm water management purposes and will be maintained by the Condominium/Homeowners Associations.

Site access, two site access points onto 93rd Street and one to Old Green Bay Road through 91st Street will be constructed by the Developer. Stage 1 single family and Stage 1 condo will be developed with the two access points to 93rd Street. A third access to the site will be from Old Green Bay Road at 91st Street to the Creekside Development by the developer at such time the next phase of development is under construction. In addition, this development provides for additional access connections as vacant land around this property develops, including 89th Streets to the northwest and east, 90th Street to the east and 91st Street to the west.

There were two variances that were granted on April 16, 2007 the Village Board conditionally approved the following Variances related to this development pursuant to Variance Grant Document #07-03:

1. A Variance from Section 395-60 C of the Land Division and Development Control Ordinance related to allowing a temporary dead end street that terminates in a temporary cul-de-sac which is greater than 800 feet in length.
2. A Variance from Section 395-32 J of the Land Division and Development Control Ordinance related to deferring the installation of the required public improvements within Creekside Circle within the proposed Creekside Crossing Addition #1 Final Plat area and

within 91st Street connecting to Old Green Bay Road. Again, those will be addressed to the next stage of development.

Creekside Crossing Addition #1 is proposed to include 9 single family lots and 8 duplex building pads for a total of 16 condominium units. The construction of public improvements within 2,115 linear feet of roadway would be completed in accordance with the following:

- Creekside Circle north of its existing terminus to 90th Street would be completed;
- 90th Street east to the development boundary and 62nd Avenue between 89th and 90th Streets would be completed;
- A temporary cul-de-sac at the northern 89th Street terminus would be completed;
- The remainder of Creekside Circle and 91st Street west to Old Green Bay Road would be dedicated and the improvements have been deferred in this portion of Creekside Circle and 91st Street;
- The current farm culvert crossing would remain over Jerome Creek to provide temporary emergency access between Creekside Circle on the east to Creekside Circle at 66th Avenue. Additional stone would be added to this temporary emergency access to withstand the weight of a fire truck; and
- The required public improvements would commence in July and are planned to be completed, inspected and approved by the Village by October 1st.

In November of 2007, the Developers intend to submit the request for final approval to complete the mass grading and floodplain boundary adjustment for the remainder of the development, to construct the bridge over Jerome Creek at the north side of Creekside Circle and complete the required public improvements in Creekside Circle and 91st Street. The total number of the remaining condominium units to be constructed with these improvements will be determined by the Developer based on market conditions.

Under the certified survey map, the developer had purchased a 92 foot wide by 704 foot wide parcel and has razed the existing home and out buildings on the property for the construction of 91st Street that will connect Old Green Bay Road to Creekside Circle. The Developer is proposing to dedicate the entire width of the parcel, the 92 feet and typically we only require 66, but they are willing to dedicate the entire 92 feet as a dedicated public right of way to the Village. The CSM will be considered by the Village Board at the same time that the Village Board considers the Final Plat.

Under right of recovery, the developer will be requesting the Village Board to consider a right of recovery for the public improvements, including street trees proposed within the 91st Street right of way as shown on the CSM. The adjacent properties north and south of this dedicated public street could be further subdivided and could benefit from the public improvements being installed by the Developer. The actual costs for such public improvements will be provided at the time the Final Engineering Plans are considered by the Village Board, which pursuant to the variance is in November of 2007. Property owners north and south of this roadway will need to pay their fair share of the costs for the road, sewer, water, storm sewer and street trees if they choose to connect

to or utilize the public road, public services or subdivide their properties. A Special Assessment public hearing for these public improvements will be scheduled by the Village Board related to these pending costs prior to approval of the Final CSM.

Under the fiscal review, in addition to the impact fees due at the time of building permit, the developer has agreed to a cost sharing agreement to donate \$891 per housing unit as a cost sharing contribution for each of the residential units within the development to address current shortfalls in funding/fees collected for police, fire, EMS and public works impact fee needs as a direct result of this development. Only one \$891.00 is due per residential unit payment. In addition, with this particular development, again, this 91st Street connection between Old Green Bay Road and this development, the developer is up fronting and paying for all the improvements to install that alternative connection to this particular development without the benefit of being able to subdivide lots on either side. So that was one of the transportation-related improvements that was of consideration that needed to be made in order for this property to be buildable and developable, and the developer felt that having a third alternative access was critical to development of this entire site.

With that, this is a public hearing. Kari is in the audience. I'm not sure if she has any additional comments or any additional items she would like to add.

Kari Kittermaster:

Hi, I'm Kari Kittermaster with Regency Hills Development, 5008 Green Bay Road in Kenosha. I'd like to thank Jean and her staff for all the hard work that they've done in working with us to get the Creekside Crossing Addition #1 to you tonight. I don't have anything additionally to add. They've covered pretty much everything. Except, Mr. Bragg, if you would like a response to that?

John Braig:

Yes.

Kari Kittermaster:

If you look at the plat, the walking trail runs along the western edge of the Jerome Creek, the north and south connection between Creekside Circle north and Creekside Circle south. So it connects essentially the park to the north, the park to the south and then on out to 93rd Street.

John Braig:

On the plat that we have for review there was no indication whatsoever of a trail along that.

Kari Kittermaster:

That trail will be in the future condominium plat once Outlot 9 is further subdivided. At this point it's an outlot. But when we go before the Plan Commission with the final plat for that portion of the condominium the walking trail will be identified.

John Braig:

And when will that be constructed?

Kari Kittermaster:

When we construct the remaining part of Creekside Circle in 91st Street. We hope to be before the Board in November with the second and third stage, the last two stages of the Creekside Crossing condominium plat. Tonight we're presenting the single family lots and the three outlots. And then subsequent to that we'll come before you with our remaining condominium plat and continue with the walking trail as part of that condominium plat so that connection between Creekside Circle on the north and Creekside Circle to the south will be made. That walking trail will be able to continue. Right now the walking trail could only be built probably 300 feet north from Creek Circle on the south side and then we get into a construction zone of the existing Creekside Crossing condominium. So I think it's our intention to construct that walking trail once the connection could be made from Creekside Circle on the north to Creekside Circle on the south. I can answer any other questions.

Thomas Terwall:

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

Larry Zarletti:

Is the developer also responsible for the dedicated park as you first come into Creekside Crossing?

Jean Werbie:

They are responsible for grading it, top soiling it, seeding it, making sure that it's been mowed several times. I'm not sure, has the actual transfer been made to the Village for maintenance purposes? I'm not sure if it has yet. It wasn't as of late last fall. They had not asked us to accept it to we have not accepted it yet.

Larry Zarletti:

But exactly that's my point. The first portion of that seems to have gone off very well. It looks good and the development is about done in that first area. So I guess my point is if we wait until all of the others are done to do the walking trail then the park there is going to sit until that's ready also, true?

Jean Werbie:

The park has already been developed as green space. They have graded it. It looks actually very nice. So it's already in a graded condition.

Larry Zarletti:

I guess my question is will everything be held up then until the walking trail can be completed? I understand why you wouldn't start the walking trail and walk it into a construction zone. That part I understand. But does that mean the other things will wait until that walking trail is done or will they complete—are you saying they're complete with that area?

Jean Werbie:

They're complete.

Larry Zarletti:

They just make it a green space.

Jean Werbie:

Right now it's just a green space until and unless the condominium association wants to do something further or if the park department wants to do something further. But that green space has been graded and it's green open space right now.

Larry Zarletti:

Is there money earmarked—when you say a park—

Jean Werbie:

To do any other equipment in there not from the Village's perspective. I'm not sure if there is from their perspective at this point. I would have to talk with John Jr. a our park superintendent to find out if that's been earmarked for any type of equipment.

Larry Zarletti:

So although it's been donated by the developer and it's been green spaced at this point, there's no time frame as to what, if anything else, will be done with that green space until money is made available from the Village?

Jean Werbie:

If the Village desires to have some equipment in there. One of the things that I think that the parks department was concerned about is how many children are actually going to be within this development and what type of play equipment would they like or is it something that the developer will come back and say we just want a sitting area or a gazebo. A large percentage of this development is actually condominium development that doesn't generate a lot of children. There was some concern initially about putting some play equipment that would never be used. And so at this point the Village did not ask for any donation for play equipment, and the impact fee money that has been generated being collected within this development could be used to help pay for play equipment if that's what they choose to do. The whole system will not be completed

until they finish this next segment they're going to commence and that's starting in November and that will be the balance of the trail and then the park to the north.

Larry Zarletti:

Is the Village now mowing the grass there as it comes in?

Jean Werbie:

I don't know that. That was my comment. They kind of jokingly said, well, when are you going to take it? When are you going to give it? And I'm not sure if there has been an official transfer and resolution before the Board. I've not seen that yet. By title it's been transferred because it was brought with the plat, but I don't know if we have started maintenance on it or not. I don't know.

Thomas Terwall:

I have a question for Kari and a comment for Jean. Kari, can you tell me approximately how many condo units have been sold in that first phase?

Kari Kittermaster:

I wish I could, Mr. Terwall, I can't. I don't work on the Mastercraft side of the business in sales and marketing. So I didn't think to get that information before I arrived.

Thomas Terwall:

Here's where I'm coming from or going to I guess. I'm curious what the number of children is in the condos. I think it's going to be significantly less than in any single family development, and yet we don't make any differentiation in the numbers that go to the Unified School system, do we?

Jean Werbie:

That's because it's an average over across the entire Village. What Unified does with the staff is every three to six months we actually go in and identify for them which units have reached occupancies and received occupancies, and they actually track to see if it's a family that was already in the Unified School system or if it's new. So they actually track it. Pat Finnemore could actually provide to me exactly how many as we've been doing this for about five years now, exactly how many students are coming from the condo versus a single family. Five years ago we were more heavily just doing single family developments, and now we're getting more balanced with some owner occupied condo and single family. We can certainly ask that question and at some point they're going to need to re-evaluate that again.

Thomas Terwall:

And my comment to you, Jean, I guess is, and unfortunately Mr. Swanson is no longer here so I can't make the comment to him but I'll make it to him and I'm sure you'll related it to him, but

since there's been some discussion as to whether they're going to agree or not agree to the cost sharing numbers, here's the second example since that of the developments that have already agreed to that. So I think it ought to be made very clear to him what his chances of getting approval are going to be if he finds that he should be treated any differently than anybody else. So I don't think we're asking anything more of him than we have of any other developer, but I don't think we're going to accept anything less either. He needs to understand that I think. Maybe he already does. Any other comments or questions?

Donald Hackbarth:

Move approval.

John Braig:

A matter of semantics, but the strip for 91st Street, 92 foot wide by 704 deep rather than wide. Another item, a question of Kari. In the development of this parcel did you receive any order from the DNR to remove a tree, or was any approval conditioned on removal of a tree, any tree on the property, period.

Kari Kittermaster:

I don't have any knowledge of removal. A tree in particular?

John Braig:

Any tree. The reason I'm bringing this up is we're dealing with the same verbiage here that we had on the initial approval and we had wholesale removal of trees. I want to know are there any trees to be removed?

Kari Kittermaster:

No, there are not trees to be removed.

John Braig:

There will be no trees removed, period.

Kari Kittermaster:

The space is wide open. We drove along the perimeter of the east, north and south where there are tree lines and they're all outside of any grading limits in regards to future development. So we don't anticipate there being any trees that will need to be removed.

John Braig:

That's where I thought we were the last time but that did not happen to be. I'll accept it for now. And the third point is there's no transportation improvement fee mentioned for this project, and yet won't this impact on traffic on 95th Street and 93rd Street and Cooper Road?

Jean Werbie:

The 93rd Street, Dabbs Farm Drive, improvement was made with the Village through a grant from the State of Wisconsin so that improvement was all made a number of years ago and those improvements were made prior to even the starting of the Creekside development. So that improvement went all the way to their eastern property line so they will not responsible for any additional improvements as the State and the Village already made those adjacent to Creekside.

John Braig:

Okay, thank you.

Thomas Terwall:

With that I'll accept a motion to send a favorable recommendation to the Village Board to approve the developer's agreement and the final plat.

Wayne Koessl:

So moved.

Judy Juliana:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE FINAL PLAT AND DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Item D then is the CSM for the right of way.

Wayne Koessl:

So moved.

Judy Juliana:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM TO THE DEDICATION OF THE RIGHT OF WAY FOR THE FUTURE 91ST STREET 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.

E. PUBLIC HEARING AND CONSIDERATION OF A FLOODPLAIN BOUNDARY ADJUSTMENT for the request of Richard Wager, P.E. with Jenkins Survey and Design, agent for to remove 1,119,624 cubic feet of floodplain and to create 1,397,411 cubic feet of floodplain to compensate for the floodplain proposed to be filled on the subject properties generally located in the PrairieWood Corporate Park and adjacent land owned by Jockey International and the Village Community Development Authority south of 104th Street (CTH Q) and west of 120th Avenue on the west side of IH-94 in the Village of Pleasant Prairie.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a public hearing for consideration of a floodplain boundary adjustment at the request of Richard Wager, P.E. with Jenkins Survey and Design, agent to remove 1,119,624 cubic feet of floodplain and to create 1,397,411 cubic feet of floodplain to compensate for the floodplain proposed to be filled on the adjacent properties generally located in the PrairieWood Corporate Park and adjacent land owned by Jockey International and the Village of Pleasant Prairie Community Development Authority south of 104th Street, County Trunk Highway Q, and west of 120th Avenue on the west side of IH-94 in the Village.

Specifically, the petitioner then is requesting the proposed improvements which would include the construction of a bypass swale and a pond along the west project limits that is designed to intercept contributing off-site stormwater runoff prior to entering the existing floodplain, the construction of three ponds and a conveyance ditch located in the central area of the project site which features storage volumes greater than the existing floodplain, and the completion of miscellaneous grading efforts to provide sheet drainage into the proposed ponds. These three proposed ponds and conveyance ditch have been sized pursuant to the PrairieWood Corporate Park stormwater management plan for a full build-out scenario in compliance with the Des Plaines River Watershed standards. Again, and if I didn't make it clear, this will be a floodplain boundary adjustment that is not only on the Prairie Wood Corporate Park development property that is owned by WisPark LLC, but is also a portion of the Village of Pleasant Prairie CDA site as well as the Jockey International.

The purpose for these improvements is to amend the existing floodplain boundary location through the FEMA Letter of Map Revision process. As part of the conditional LOMR or CLOMR process, a Community Acknowledgment Letter is required from the Village in order to verify compliance with the Village Floodplain Ordinance as well as FEMA's requirements. The FEMA CLOMR approval will allow the site improvements to be constructed pursuant to the submitted plans and calculations. Hydraulic Modeling, in addition to the stormwater management plan as required for the Wisconsin Department of Natural Resources concurrence, is currently in design and will be transmitted to SEWRPC, the Wisconsin DNR, and FEMA upon completion. The plan is to obtain simultaneous reviews from all of the regulatory agencies in order to commence some mass grading yet this summer and try to have it completed as much as possible by the fall.

Following the CLOMR approval and site construction, the improvements will require an as-built survey to be prepared to verify the compliance with design plans. Hydraulic modeling, such as the HEC-2 or HEC-RAS, provided as part of the CLOMR submittal, will be required to be updated to reflect the as-built survey conditions.

The as-built survey and updated hydraulic modeling will be submitted as part of the LOMR process in order to accommodate the relocation of the existing floodplain boundary into the proposed location. Once a LOMR is issued, the Village will then need to adopt the floodplain changes as a part of a Floodplain Zoning Map Ordinance Amendment based upon final modeling, delineations, and mapping which reflects the as-built survey information. The Village's adoption of the floodplain map amendment will also include the final Wisconsin DNR review and approval.

According to the Village's Floodplain Ordinance the Village shall not permit amendments to the floodplain boundary that are inconsistent with the purposes of Section 420-131 of the Village Zoning Ordinance, or that are in conflict with the applicable rules of the Wisconsin DNR and FEMA.

The amendment to the 100-year floodplain will comply with the following Village requirements:

- An amendment to the floodplain boundaries shall not be permitted where the change will increase the regional flood stage elevation by 0.01 foot or more unless the applicant has made appropriate legal arrangements with the Village, any other affected governmental units, and any other property owners affected by the flood stage increase.
- Petitions for the floodplain amendments shall provide adjusted water surface profiles and adjusted floodplain limits to reflect the increased flood elevation.
- Any area removed from the floodplain shall be contiguous to land lying outside the floodplain.
- Whenever any volume of flood storage capacity is removed from the floodplain, as defined by the ground surface and the regional flood elevation, an equal volume of storage capacity shall be created within the newly determined floodplain boundary, in the vicinity of the removal, to compensate for the lost flood storage capacity. It's important to note that they are actually creating greater flood storage than what is being removed.

Excavation below the ordinary high water mark shall not be considered as providing any equal volume of storage capacity for compensation purposes. Any such area of compensating flood storage capacity shall drain freely to the receiving stream.

- Removal of land from the floodplain shall not be permitted unless the land has been filled to an elevation at least two feet above the elevation of the regional floodplain.
- The effects of any change in the floodplain boundary shall be limited to less than a 0.01 foot increase in the regional flood elevation unless—that's a repeat, the same comment as above.

So as you can see with the analysis that has been completed to date by the Village staff, it will comply with the requirements set forth in the Village ordinance with respect to the granting of a floodplain boundary adjustment. However, there are some conditions for approval and they are going through those processes right now in order for this to be approved by the Village and by FEMA and those conditions are set forth below.

On the slide that you see right now, you can identify the darker identified areas are the pond areas and the ditches and the area that will be created as part of the floodplain boundary adjustment. There's some grading that's going to be done and that's also shown with the match to grade line. This slide shows you in the cross-hatched area where the existing floodplain is currently shown as reflected on the Des Plaines River Watershed map. While there is some controversy and some discussion as to whether or not this is an accurate depiction of that floodplain, the Village felt that it would be best just to request an amendment of the boundary at this point even though these maps have not been formally finalized by FEMA, but in order to avoid any further red tape we felt that we should just go through the complete CLOMR process with the DNR even though they're not finalized to request the adjustment so that we can commence grading and create the flood storage areas that need to be created as part of the future development for this area. This is a matter for public hearing.

Thomas Terwall:

And I assume that we're dealing with somebody different in FEMA than the one that did the poor job in New Orleans, is that correct? Altogether different section? No comment. This is a matter for public hearing.

Richard Wagner:

Richard Wagner, Jenkins Survey and Design, Waukesha, Wisconsin. First I'd like to say what a pleasure it is working with staff here since that seems to be the popular item tonight. If it wasn't for Katrina we probably wouldn't be here. Everyone wouldn't be this conservative. But to help kind of explain this, what Jean kind of touched on, is that as part of the Des Plaines River Watershed Study the Southeastern Wisconsin Regional Planning Commission suggested that areas outside of the current floodplain mapping should be shown as floodplain boundaries. Now, these included the upper reaches and conveyance areas that contribute to the floodplain, but the controversy was is this really floodplain or flood hazard area.

Not to make a big deal out of it because we just want to go through the proper channels and not argue this any further, but from the east side of that map to the west side is slightly over a half a mile and the elevation goes up 50 feet in that half a mile. So you can see that this isn't your typical floodplain where you have a navigable waterway and then these flood boundary areas that are in the flood fringe that overflow during heavy rains. What this amounts to is these are the upper reaches and, quite frankly, they do contribute to the floodplain. However, what SEWRPC did was make certain recommendations that these swales that convey the water to the floodplain follow the farm swales. We've had DNR out there to make sure this wasn't a navigable waterway because that would be a whole other issue.

So what we did is we went through the proper channels to say based on this study where the Village of Pleasant Prairie adopted their storm water ordinance because of the Des Plaines River Watershed Study, since SEWRPC wasn't about to do a whole storm water management and development plan for these areas, they had no choice but in their study to recommend areas that just naturally flow across the farm fields as mapping those as additional floodplain boundaries.

So in accordance with those recommendations in the study what we now have is a planned development which we can adjust the floodplain lines and contain those within our storm water management plan, contain those in the ponds and the small conveyance areas between. So when we started this out we actually went to FEMA to try to get a letter map amendment and say that because SEWRPC did the study and their calculations based on future conditions which don't exist at this time, it wouldn't be floodplain. But FEMA came back and said, look, why don't you just go through the CLOMR process and we'll be done with it. So that's what we've done now. So what we've compared is we've taken what SEWRPC has done and said under developed conditions the water would flow this pattern, but since we're not designing your developed conditions someone else has to do it. So in conjunction with that development process we now have a storm water management plan and a contained area of this remapping of the floodplain. So it seems to be although the calculations and the studies has been Biblical proportions, it seems to be this is the most reasonable way to accomplish it.

Thomas Terwall:

And we have not lost properties that were previously not in the floodplain into the floodplain? Buildable property has not been sacrificed?

Richard Wagner:

That's correct. In fact our down stream reduction in runoff is even—like I said SEWRPC did a study based on developed conditions. Our pond system and conveyance system actually reduces even their runoff numbers by about 15 to 20 percent under developed conditions.

(Inaudible)

Richard Wagner:

Correct. Like I say, it's very confusing because normally we think of the Des Plaines River and the flat areas outside of it and this is more of a contributing conveyance area rather than that flat—in 15 minutes when the storm is done there wouldn't be a drop of water in this swale. It would all

be down at I-94. But because of the study and the recommendations they map these upper reaches of the contributing areas.

Thomas Terwall:

Are you confident that FEMA and SEWRPC are going to approve what we're doing?

Richard Wagner:

Actually we've had extensive coordination with FEMA, SEWRPC and DNR, and what you see here which may be somewhat confusing is there's three types of modeling software that have been used. One is Hydro-CAD that we use which has to be used to model the ponds. The modeling software that SEWRPC uses which is HEC-2 I think and the modeling software that DNR uses which is HEC-RAS can model the contributing areas but not the ponds themselves. So what we did is we used the Hydro-CAD method to do the storm water management plan which the other two programs couldn't do, then went to FEMA and said since our program can also model the floodplain why don't we use it for that? They were fine with that, but SEWRPC and DNR asked us to convert those numbers into their software which we just completed. So the answers are all the same, it's a matter of whose computer you're using.

Thomas Terwall:

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

John Braig:

Jean, what are the gray areas on the print?

Jean Werbie:

The diagonal dashes?

John Braig:

Yes.

Jean Werbie:

Wooded areas. That's Curt's Woods right there. I named it after Curt Bower, then there's another wooded area down there that is proposed to be preserved. It's not officially named that.

Donald Hackbarth:

I've got a couple of questions for Mr. Wagner. Does this flow anywhere or does it just collect water?

Richard Wagner:

It goes underneath I-94.

Donald Hackbarth:

I mean the existing. Does that go underneath I-94?

Richard Wagner:

Actually there's a small contributing area on the west side of County Trunk U. There's a small contributing area that comes through this area, and even that under the Pleasant Prairie Ordinance would be reduced in the future.

Donald Hackbarth:

The other question is why this particular design? You may have answered it already. Was that set in concrete by SEWRPC?

Richard Wagner:

Part of it has to do with the natural topography, but the other part has to do with the fact that this would be manufacturing/light industry which dictates square lots. So we tried to keep a lot of this very linear in conjunction. The most westerly pond that's kind of linear north and south that follows a possible development of a building that would be west of that pond. The pond that's just inside of Jockey property is tucked in an area where it falls close to the existing floodplain and it falls in an area that we wouldn't disturb any trees or any of the development that Jockey wants to do, and the same with the northerly pond. So they're all designed in somewhat of a fashion to maximize the developable area.

Donald Hackbarth:

I guess what I'm saying is that the rule they had to be interconnected?

Richard Wagner:

Yes, right.

Donald Hackbarth:

I was just thinking in terms of why not just a long one or an L-shaped one.

Richard Wagner:

Some of it has to do with future roads that may cross those and culvert crossings and so forth.

Donald Hackbarth:

Is this the kind of situation where you have to plant native species in there?

Richard Wagner:

No, other than just the DNR signing off on the floodplain adjustment we have no permit issues with them like Chapter 30 because there's no navigable waterways involved.

Wayne Koessler:

Move approval, Mr. Chairman.

John Braig:

Second.

Thomas Terwall:

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

Voices:

Aye.

Thomas Terwall:

Opposed? How much do they hold your feet to the fire as far as measurements in cubic feet. You say you're going to move a million cubic feet. Who's to know?

Richard Wagner:

My license. We have to as-built everything and then submit--this is actually the CLOMR process, the conditional letter of map revision. Once this is done, you'll recall site 103 in the LakeView Corporate Park, we submit a final letter of map revision and they sign off on that based on our as-built calculations. Then if we lie I go to jail. Thank you.

F. Consideration of a Memorandum of Understanding (MOU) between the Village of Pleasant Prairie and the State of Wisconsin Department of Transportation (WIDOT) pertaining to the required State Trunk Highway 50 (STH 50) Transportation Improvements to be provided, installed and constructed by VK Development Corporation.

Jean Werbie:

Item F is a consideration of a memorandum of understanding between the Village of Pleasant Prairie and the Wisconsin Department of Transportation pertaining to the required State Trunk Highway 50 transportation improvements to be provided, installed and constructed by VK Development Corporation.

The Wisconsin Department of Transportation requires that the local jurisdictions enter in MOUs or memorandum of understanding agreements whenever there's a State trunk highway that's required to have public improvements completed as a result of larger industrial or commercial developments. What the State required a couple years ago is that a traffic impact analysis be completed for the Target and the Shoppes at Prairie Ridge project. But as a condition of that TIA and as a result of that TIA a number of improvements along Highway 50 needed to be made. I actually have the plans right here that go in detail into all those improvements.

To summarize, there are three phases of improvements that the DOT identifies as improvement measurements to Highway 50 that need to be completed. Phase 1 and Phase 2 improvements are tied directly to Target and the Shoppes at Prairie Ridge. The Phase 1 improvements involve improvements to the signalization and lane markings at 88th Avenue, some improvements at 94th Avenue with a full signalized intersection, some channelization and lane improvements in 99th Avenue as well as 104th Avenue. And Target cannot open until certain of those improvements, or receive occupancy, until certain of those improvements are completed. Certain others of those same improvements must be completed before occupancy permits for the remainder of the Shoppes at Prairie Ridge can get occupancy permits. So that's Phases 1 and 2 both of which have to be completed in 2007 on or about by October 1st. If that October 1st date needs to be extended that would be by mutual agreement between the Village and the DOT, for example to go to October 15th or November 1st.

(Inaudible)

Jean Werbie:

We're trying. All the plans have been approved by the State. We're waiting for the permit, and as soon as Target and VK Development or the Village closes, they close, everything is supposed to happen in the next two or three weeks for them to start.

Jim Bandura:

Could that be a deal breaker with Target possibly?

Jean Werbie:

If the Highway 50 improvements are not completed that is a problem because Target can't gain occupancy. So because of that, the development agreement that you had acted on at the last meeting actually has Target as a co-signer to the VK agreement with the Village regarding the Highway 50 improvement. Insofar as the fact that the Village is not capable to come in in the event of a default, Target will come in on the Village's behalf and VK's behalf and finish the improvements in Highway 50. So we've worked some arrangements for limited purposes only into the development agreement that will be considered by the Village Board on Monday night along with this MOU.

The third part of this MOU are the Phase 3 improvements. And that involves extensive improvements to Highway 50 and the widening of Highway 50 between 88th Avenue and 104th Avenue and the cost sharing agreement between the Village of Pleasant Prairie and the Wisconsin DOT and what triggers that event to occur. That is 50 percent of the VK Development properties

that are seeking occupancy east of the hospital. When that happens or ten years, which is 2017, whichever occurs first, that will trigger the balance of the Phase 3 improvements to be completed on Highway 50 and the 50 percent cost share by the Village of Pleasant Prairie. So the Village's attorneys are actually working with VK's attorneys and myself to draft another agreement that follows after this agreement between VK and the Village, because this MOU is between the Village and the DOT.

So while this is a very short agreement it does reference a letter that was drafted by the DOT in August of last year which is an exhibit to this. There is a minor modification with respect to the cost sharing and that is addressed by this MOU. So this was the follow up agreement to the agreements that have already been approved by the Plan Commission. All these agreements are intended to go to the Village Board at their next meeting. The staff recommends approval as presented.

Larry Zarletti:

So moved, Mr. Chairman.

Judy Juliana:

Second.

Thomas Terwall:

MOVED BY LARRY ZARLETTI AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE MOU 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.

G. Review and consider Chapter VI, "Existing Plans and Ordinances" of the Multi-Jurisdictional Comprehensive Plan for Kenosha County.

Jean Werbie:

Chapter VI is the next chapter for review for the comprehensive Smart Growth planning effort that the Village is involved in with Kenosha County. This Chapter VI involves the existing plans

and ordinances. There are four parts to this chapter, regional plans, County and multi-jurisdictional plans, City, Town and Village Plans and County and local ordinance.

The Regional Land Use Plan sets forth some very fundamental concepts that are recommended to guide the development of the seven counties of Southeast Wisconsin. The most recent version of the Regional Land Use Plan was adopted by the Commission in 2006. The Regional Land Use Plan for Kenosha County is shown on the slide. The plan embodies the following vision over the region over the course of the next three decades. It's documented in SEWRPC Planning Report No. 48, A Regional Land Use Plan for Southeastern Wisconsin: 2035.

The regional transportation system plan is intended to provide a vision for and a guide to transportation system developments for the region for the next 20 or more years. It's a multi-modal plan of recommended transportation actions designed to address existing and anticipated future transportation problems and needs. The plan consists of five elements, public transit, transportation systems, travel demand, bicycle and pedestrian facilities and arterial streets and highways. Future needs for transit, street and highway and other transportation improvements considered by the regional transportation plan process are derived from future growth as set forth in the Regional Land Use Plan.

What I do want to note for you is that while the regional transportation plan has been identified and approved by the Regional Planning Commission, as we look at the more specific elements in Kenosha County and specifically in Pleasant Prairie we are already contemplating some amendments or changes to the regional plan. Some of them have gotten up through the process and worked into the transportation plan at the regional level but some haven't. So we need to refine this plan at our local level and we will be doing that over the next few months.

The arterial street and highway element, other regional transportation plan includes recommendations for functional improvements, that is roadway capacity maintenance or improvement or expansion. It also makes recommendations on which local units of government should have jurisdiction over each arterial street and highway. Again, specifically as it relates to this plan, we will be looking at some possible jurisdictional transfers, some roadway widenings that aren't as originally shown, maybe three lane arterials versus four lane. We might be looking at some roundabouts and some other things that are not reflected. So, again, we will be refining this regional arterial street and highway system plan as it related to Pleasant Prairie.

The next element is public transit for 2035. This envisions significant improvement and expansion of the public transit system including development within the region. A rapid transit and express transit system, improvement of existing local bus service and integration of proposed bus services within the proposed rapid and express transit services. Again, when this was completed not all of the details, for example the Abbott development, were known and we still don't know all those details. But that's something, again, that we may want to look at as that campus starts to develop.

The public transit element, the system lines, existing and potential future portions of the KRM commuter rail line have been identified in the regional transportation plan. The regional plan recognizes the need for commuter rail along the Canadian National Railway from the State Line

to the City of Burlington and the western part of Racine County and along the UP Railway line from the State Line to Highway 50 just east of I-94.

—:

(Inaudible)

Jean Werbie:

Anyone within that shaded area has the ability to walk to a transit line where they can gain access to a bus system and we need to make sure that that has examined a large enough area as you can see. I-94 is right along that western boundary of the transit system and that transit walkable area and accessibility might be a little bit larger based on some things that are going to be happening, proposed up to 2035.

The next element is a bicycle and pedestrian facility element of the regional plan, and that element is intended to promote safe accommodation of bicycle and pedestrian travel and encourage bicycle and pedestrian travel as an alternative to personal vehicle travel. The plan envisions that as the surface arterial street system of about 3,300 miles in the region is resurfaced and reconstructed segments, facilities for bicycle travel would be considered and implemented, if feasible, through bicycle lanes, widened outside travel lines, widened shoulders or separate bicycle paths. And, as you've been hearing, with the approval of some new developments in Pleasant Prairie, we have actually be starting to accommodate for those widened paths for bicycle travel. The system of off street bicycle paths is recommended to connect cities and villages with populations over 5,000 which includes the Village of Pleasant Prairie.

—:

(Inaudible)

Jean Werbie:

I would agree. Regional natural areas plan identifies the most significant remaining natural areas, critical species habitats, geological sites and archaeological sites in the region and recommends the means for their protection and management. The plan identifies potential sites to be placed in public or private protective ownerships and other sites to be protected, insofar as possible, through zoning or other regulatory means without protective ownership.

As you know, in the Village of Pleasant Prairie in particular we have many of these areas and we have gone to great lengths to protect them up to this point. As you know, we've got the Chiwaukee Prairie Land Use Management Plan on the east end for the Chiwaukee, we've got the Des Plaines River Watershed Corridor which has protected a lot of these elements through acquisition and private ownership as well as public ownership. So we have actually taken a very aggressive stand in protecting our natural areas in the Village of Pleasant Prairie in accordance with this plan in addition to our archaeological sites. We have a number of them identified in the Village.

Under the water quality management plan, in 1979 the Planning Commission adopted an area wide water quality management plan for Southeast Wisconsin as a guide to achieve clean and healthy surface waters within the seven county region. The plan has five elements: a land use plan element, a point source pollution abatement element, a non-point source pollution abatement element, a sludge management element and a water quality monitoring element.

The point source pollution abatement element of the regional water quality management plan is of particular importance to land use planning. That plan element recommends major sewage conveyance and treatment facilities, identifies planned sewer service areas for each of the sewerage systems in the region. Under Wisconsin law, a major sewerage system improvements and all sewer service extensions must conform to the regional water quality management plan. In fact, maybe you know this, but every time a new subdivision gets approved they have to go through SEWRPC and receive water quality management approval. They receive a letter from them before they can get approval from the Village.

Under the regional water supply plan, the Commission is conducting a regional water supply study for Southeast Wisconsin. The regional water supply plan together with the abovementioned groundwater inventories and groundwater simulation model that's identified in the chapter will form the regional water supply management program.

Under regional water supply plan, the regional water supply will include the following components: water supply service areas and forecast demand for water use; recommendations for water conservation efforts to reduce water demand; evaluation of alternative sources of supply, recommendation of sources of supply and recommendations for development of the basic infrastructure required to deliver that supply; identification of groundwater recharge areas to be protected from incompatible development; specification of new institutional structures necessary to carry out plan recommendation; and identification of constraints to development levels in subareas of the region due to water supply sustainability concerns. This is of particular concern to Pleasant Prairie as there's been so many misunderstandings and misconceptions regarding the water diversion that has been granted to the Village of Pleasant Prairie. So we assume there will be an extension discussion on that water diversion that was granted, what it means to the Village of Pleasant Prairie and this area and the development of places like Abbott Laboratories and what is happening elsewhere in the region like in Waukesha County where there are a number of issues with respect to them wanting to get diversions and how they're going to bring safe water to those expanding areas of Southeast Wisconsin. So this is a very hot topic and a very significant discussion item that SEWRPC is undergoing.

Thomas Terwall:

As of 2010 Pleasant Prairie will no longer have water diversion.

Jean Werbie:

Actually I don't believe that is correct.

Thomas Terwall:

Well, Sewer D and 73-1–

John Braig:

At the end of 2010.

Jean Werbie:

The water will still be diverted but the sewage treatment plans will be diverted with respect to being tributary to the City of Kenosha.

Thomas Terwall:

But that water diversion bill says that the diversion occurs when you take water out of the watershed and don't return it which is what we're doing now. Sewer D empties into the Des Plaines, but once Sewer D is converted to a pumping station it pumps it into the 165 interceptor and we won't be diverting anymore.

Jean Werbie:

I just don't want anyone to get the misunderstanding that water is not going to be available to those areas that are currently receiving the diversion, that they are not going to have those services available. There has been some reporting to that effect in some of the Milwaukee papers and that is not correct.

Donald Hackbarth:

That's the question I have. In this whole plan could they limit the amount of water we can take then or receive?

Jean Werbie:

We received a diversion from the Great Lake States and the Governors. Our diversion cannot be eliminated and we cannot be refused water to service the areas in the Village.

Donald Hackbarth:

With the gas plant or whatever it was, the gas energy plant that decided not to build here, wasn't that the primary reason why we built the big reservoir on Sheridan.

Jean Werbie:

It was needed for that particular facility, but in order to have enough water to service the balance of the Village as it continues to grow and develop we needed that system.

Donald Hackbarth:

I'm saying with Abbott Labs now that could help supply that because that will be right down Highway Q.

Jean Werbie:

It will be. Regional telecommunications plan was initiated at SEWRPC in 2003 to provide a comprehensive broadband telecommunications infrastructure plan for the region. Such an advanced infrastructure is necessary for Southeast Wisconsin to compete in the global economy. A report entitled A Wireless Antenna Siting and Related Infrastructure Plan has been prepared that sets forth the basic principles and objectives that need to be met by the local communities. It presents infrastructure and performs inventories for existing cellular and mobile wireless networks operating within the region. Again, this is a great base of information going forward. There's a regional telecommunications plan that examines a wireless backhaul network plan and a community level wireless access network plan. The plan sets forth the approach to implement the wireless and backhaul network and community level wireless network plans. The end goal is to provide fourth generation broadband data voice and video communications in all geographic areas of the seven county region, not just Pleasant Prairie. Actually we've already done that.

Part 2 are the County and multi-jurisdictional plans. As you know, we have currently adopted and are currently working with the Kenosha Urban Planning District Plan as amended by Pleasant Prairie, and we continually reference our Comprehensive Plan. Other County and multi-jurisdictional plans are included and identified on the slide within other areas of Kenosha County.

Part 3 are the City, Town and Village plans, and as you know 62.23 I reference often. It grants the authority to the Village Plan Commission to prepare and adopt and amend local comprehensive master plans. It also gives some authority for towns to adopt village powers and create town plan commissions. All of the towns in Kenosha County have adopted Village powers and created plan commissions. Obviously you know we use the statute and update our plans through neighborhood planning on a regular basis.

In 1999 the Legislature enacted legislation that expanded the scope and significance of comprehensive plans and that's known as the Smart Growth law. The law set forth that the administration of zoning, subdivision and official mapping ordinances must be consistent with the community's adopted comprehensive plan beginning on January 1, 2010. That's the purpose of our update and why we're working towards that end. The Village's of Paddock Lake and Twin Lakes and the Town of Randall have adopted their comprehensive plans in accordance with that statute. Several other communities such as us are working towards that end with Kenosha County. City and village planning areas generally extend beyond corporate boundaries and include areas outside of those boundaries that are expected to be annexed by a city or village within a planning period. And so it is for that reason areas like Pleasant Prairie has entered into cooperative boundary agreements with the Town of Bristol. The City of Kenosha has entered into agreements with Bristol and Pleasant Prairie and the Town of Somers. So we have all worked out our boundaries between the different jurisdictions.

The Village of Pleasant Prairie has adopted a number of neighborhood plans. We feel that they are very important for implementing the comprehensive plan over a period of time. We have adopted several of them. They are shown on the slide: Green Hill Farm, Highpoint, Lake View East, Lakewood, Pleasant Homes, Prairie Ridge, Sheridan Woods, Tobin Road, West of I-94, Whittier Creek, Village Green and for portions of Country Home, Isetts, Lance, Prairie Lane. And we are working on Carol Beach South, Pleasant Farms and Prairie Lane. Those are all plans that this Plan Commission has adopted or is in the process of adopting over the last ten years. So we have been very aggressive, more aggressive than most communities in detailing our comprehensive plans.

I started to touch on this. Municipal boundary agreements are very significant. Just to update you, we are in the process of updating our municipal boundary agreement, cooperative agreement with the Town of Bristol. We have been working on that with them for the last year or two. We have just been going through so many significant changes west of I-94 and so many projects that we've been working on that we're trying to get some things finalized before we finalize anything with the Town of Bristol.

As you can see on the slide, municipal boundary agreements have been identified in a number of areas outside of the Village of Pleasant Prairie. The significant one in the bluish area is the one that we've entered into with the Town of Bristol. As you know, all of those properties are in our Village growth area except for one or two on the south have already come into the Village of Pleasant Prairie. We thought that they wouldn't come in until over the next 30 year time period, but most of those properties have already boundary adjusted into the Village.

—:

(Inaudible)

Jean Werbie:

Our boundary agreements are set with the Town of Bristol unless they would like to reopen those negotiations and I have not heard anything to that effect. The Part 4 is the County and local ordinances. Good community development depends on quality planning at all levels. Land use and development regulations affect the type of uses allowed as well as a detailed design and layout of proposed developments. And this chapter is just a long inventory chapter of zoning, subdivision and official mapping regulations adopted by Kenosha County.

I just wanted to mention and I didn't go through them, but I did find about 15 or 20 errors as it related to Pleasant Prairie. I can certainly go through them for you, or if you'd just like to look at my copy, some are significant, others are not. It's just interpretations of our ordinances and codes that we have in the Village and some are a couple of typos as it relates to Pleasant Prairie and a couple clarifications. So I will be forwarding those onto the Village Board for them to look at as well so that if there are any other changes that need to be added we would like to hear from you now. Otherwise we will forward the changes that the staff has made.

Donald Hackbarth:

Looking at all these maps this is a far cry from what it was 20 years ago. A far cry.

Wayne Koessl:

Through the Chair to Jean. Jean, on my copy it says it's a preliminary draft.

Jean Werbie:

Correct.

Wayne Koessl:

Now, you said earlier you're going to be doing some changes on the Pleasant Prairie side and probably others as well or no?

John Braig:

You found some errors or some things that need correction?

Jean Werbie:

I did and I can go through those with you now, but what happens is--

Wayne Koessl:

I don't need them, but I'm just saying if we approve this tonight are we going to see the final plan?

Jean Werbie:

You definitely will. In fact, you're going to get to re-approve the whole thing again. What happens is when I go to--

Wayne Koessl:

Why are we approving it tonight then?

Jean Werbie:

Because SEWRPC has requested that we do this as a chapter at a time and incorporate as many of the edits and changes as possible so they can try to finalize this chapter so we're not waiting months and months until after they go through each of the final chapters and then bring them all back a chapter at a time, because then it gets quite overwhelming for a town and village and city plan commissions and boards to look at this whole document because it will be over 200 pages.

So what we like to do is bring as many possible changes as we can to them at this time so they can incorporate it into the final draft of the entire document.

John Braig:

But it would be appropriate to approve this including the edits and corrections of staff?

Jean Werbie:

Correct.

Wayne Koessl:

I don't mind that as long as we get the final look at it.

Jean Werbie:

You will.

Donald Hackbarth:

What designates a first class city, is it population versus a village?

Jean Werbie:

Yes. And the other thing, Wayne, I just want to reiterate is that we as a staff and the Plan Commission have already decided that we want to go back into this Kenosha document and then pull out everything that is relevant to Pleasant Prairie and actually have a comprehensive plan for Pleasant Prairie. That will take us a little bit of time, but instead of constantly having to go back and refer to that entire document we will have one that refines it and focuses more on just Pleasant Prairie. And then you'll get an opportunity at that point, too.

Wayne Koessl:

It sounds like a plan and I'll move approval of it.

Donald Hackbarth:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY DON HACKBARTH TO APPROVE CHAPTER VI, THE EXISTING PLANS AND ORDINANCES OF THE MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR KENOSHA COUNTY. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

7. ADJOURN.

Judy Juliana:

I move to adjourn.

John Braig:

Second.

Wayne Koessl:

Before we adjourn can I add one thing? Jean brought up the name of Richard Hooper. And I was fortunate to work with Dick to do the good layout of the electric power and the gas services in Lakeview West and Lakeview East. He's retiring the 21st of July.

John Braig:

He said 20th.

Wayne Koessl:

That's when we're having a little party.

John Braig:

Okay.

Wayne Koessl:

So he'll be retired by the end of the month.

Thomas Terwall:

(Inaudible)

Jean Werbie:

Not recently. He promised me that he would not retire until we finished our comprehensive plan.

Thomas Terwall:

The original plan was he wouldn't retire until

Jean Werbie:

Right, and that's 2009.

Thomas Terwall:

(Inaudible)

Jean Werbie:

I don't know. I talked to him about a month ago and I was still pushing to—

Thomas Terwall:

We have a motion and a second to adjourn. All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.