

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
September 10, 2007**

A meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on September 10, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; and Judy Juliana. Larry Zarletti was excused. Also in attendance were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**

Jean Werbie:

Mr. Chairman, I just have one piece of correspondence. It's regarding a community development symposium on Tuesday, November 6th. We provided copies to each of the Plan Commissioners. We will get you some further details on its location if you're interested in going. It looks like it's a one-day event up in the Milwaukee area, but we will get you some further details e-mailed to you if you're interested in participating.

- 4. CONSIDER THE MINUTES OF THE AUGUST 13, 2007 PLAN COMMISSION MEETING.**

Judy Juliana:

Move to approve.

Wayne Koessler:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JUDY JULIANA AND SECONDED BY WAYNE KOESSL TO APPROVE THE MINUTES OF THE AUGUST 13, 2007 MEETING OF THE PLAN COMMISSION AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS.

Thomas Terwall:

If you're here tonight for one of the items on the agenda that appears as a public hearing, we would ask that you hold your comments until the public hearing is held and your comments can be incorporated as an official part of the record of that public hearing. However, if you're here for an item that appears on the agenda not as a public hearing, which is only the last two items, or if you're here to raise an issue that's not on the agenda at all, 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 ZONING TEXT AMENDMENT for the request of Neil Guttormsen, counsel for Dean Trafelet, owner, to create specific Planned Unit Development (PUD) Ordinance requirements for the existing Timber Ridge Mobile/Manufactured Home Park, located at 1817 104th Street, pursuant to Chapter 420-137 of the Village Zoning Ordinance and to insert the new PUD Ordinance into Section 420 Attachment 3, Appendix C, entitled "Specific Development Plans".

Jean Werbie:

Mr. Chairman, I would ask that both Items A and B be brought up at this time for public hearing and we will have one discussion on both items but we will need separate action on both.

Mike Serpe:

So moved.

John Braig:

Second.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO COMBINE ITEMS A AND B FOR DISCUSSION PURPOSES AND VOTE ON THEM SEPARATELY. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Neil Guttormsen, counsel for Dean Trafelet, owner, to amend the Village Zoning Map by adding a Planned Unit Development Overlay District (PUD) zoning designation to the existing R-12, Manufactured Home/Mobile Home Park Subdivision Residential District zoning designation for the property commonly known as the Timber Ridge Mobile/Manufactured Home Park located at 1817 104th Street.

Jean Werbie:

Mr. Chairman and members of the Plan Commission and audience, the first item is a public hearing and consideration of a zoning text amendment at the request of Neil Guttormsen, counsel for Dean Trafelet, owner, to create specific Planned Unit Development Ordinance requirements for the existing Timber Ridge Mobile/Manufactured Home Park, located at 1817 104th Street, pursuant to Chapter 420-137 of the Village Zoning Ordinance and to insert the new PUD Ordinance into Section 420 Attachment 3, Appendix C, entitled Specific Development Plans.

The second item is also a public hearing and it's a consideration of the zoning map amendment and is for the same request to modify the zoning map to reflect the R-12 PUD. Again, that's the Planned Unit Development Overlay District. Since these items are related, we will be discussing them at the same time but separate action will be required.

The property owner, Dean Trafelet, is seeking approval of a Planned Unit Development zoning designation for the Timber Ridge Mobile Home Park. The primary goal and intent of the PUD is to create uniformity within the MHP for accessory structures such as sheds, porches and decks.

I will provide a brief overview for the Timber Ridge Mobile Home Park. The Timber Ridge Manufactured Home/Mobile Home Park, hereinafter referred to as the Timber Ridge Mobile Home Park, is located at 1817 104th Street. It's identified as Tax Parcel Number 93-4-123-302-0400. It consists of approximately 18 acres with approximately 452 feet of frontage on 104th Street. The Mobile Home Park accommodates 143 manufactured housing units, both single and double-wide. Sole access to the Mobile Home Park is from a driveway entrance to 104th Street which is also State Trunk Highway 165. The Timber Ridge Mobile Home Park is serviced by a system of interior, private roadways, and they're named North Street, Middle Street, South Street,

East Street, West Street and Main Street. These streets form Blocks A, B, C, D, E, F and G. The Mobile Home Park units are serviced by a system of private water and sewer mains which are extended from the public utilities in 104th Street.

Now again this evening we're going to be talking about a PUD, zoning text amendment. Overall, the purpose and intent of the proposed Timber Ridge Mobile Home Park PUD is to continue to provide for structures, improvements and uses on the property that are in conformity with the Village's Comprehensive Plan and in compliance with the basic R-12 underlying zoning. In addition, our intent is to make sure that it also complies with the recently adopted Chapter 221 of the Municipal Code as it relates to mobile home parks and their communities. Furthermore, the purpose and intent of the PUD is to facilitate development in a fashion that will not be contrary to the general health, safety, economic prosperity, and welfare of the Village, with the additional goal of encouraging proper maintenance, setbacks and separation of all structures and to encourage sound development of the site so as to promote an attractive and harmonious residential development, and seek to achieve a residential environment of sustained desirability and economic stability which will operate as a uniform residential development with the surrounding residentially zoned properties, and will seek to avoid unreasonable adverse effects to the property values of the surrounding properties and surrounding neighborhood.

The primary goal then is for this PUD is to create uniformity for accessory structures such as sheds, porches and decks. As you know, this is an older mobile home park, and a number of these mobile home units as well as their accessory structures went in without specific requirements as it related to setbacks for these types of units as it related to one unit or one shed or deck in relation to another one, or in relation to the street setback areas or the rear setback areas. And so as we move forward, we would like to create a more uniform system of review as units are replaced and newer models come in and as these accessory structures are replaced that there is some uniformity with respect to the zoning ordinance but also with respect to taking safety into consideration, for example having fire wall separations and such between the accessory structures and the mobile home park units.

The PUD ordinance allows for flexibility of some of the zoning ordinance requirements. The Village staff understands that some Mobile Home Park development sites, like Timber Ridge, are somewhat unique, again, because the zoning ordinance didn't contemplate all the different arrangements of the units and the typical configurations of these units on the site.

Community Benefits Associated with the PUD, in order for the Village to justify the proposed PUD zoning and PUD ordinance, some of the following are considerations for the Plan Commission.

- The PUD will limit the location, designates setbacks and construction standards for detached accessory structures, therefore creating safety and uniformity within the Mobile Home Park.
- Sets forth exterior building materials, roof pitches and limits exterior colors for accessory structures, thus achieving more aesthetically pleasing, visually appealing structures and creating a more unified appearing residential development area.

- Allows for the eventual elimination of nonconforming beyond repair accessory structures within the Mobile Home Park.

The PUD ordinance allows for some flexibility with respect to the following sections of the ordinance.

1. Section 420-86 B. (1) (a) [1] where it talks about the side street yard with respect to these accessory structures and reduces the minimum setback to five feet from the nearest paved edge of the private roadway. One of the things to note is that because of the proximity of these units to one another in the road some of these setbacks will seem rather small, but again what we're trying to do is create some uniformity with respect to the units out there when replacement units go in.
2. Section 420-86 B. (1) (a) [2] related to the separation spacing between detached accessory structures and principal structures. There's a table that is attached to the staff comments with respect to the ordinance that outlines some of the setbacks that we needed to look at when coming up with our detailed setbacks and standards. So you can see what we've done is gone through the entire Mobile Home Park and identified all of the locations of the sheds and the mobile home units, where they're set back and what we could reasonably expect to have as a reasonable setback for each of these, and there's a modification that's being provided as such.
3. Section 420-86 B. (1) (a) [4] related to the setbacks of detached accessory structures from any side or rear lot line down to three feet.
4. Section 420-120 G. (4) and this relates to nonconforming structures. What we're looking at here is that if the nonconforming structure is damaged or destroyed beyond repair that the new structure needs to be replaced and replaced in accordance with the PUD regulations and restrictions.

Then in the next chapter of the discussion is Chapter 221 of the Municipal Code. And as the staff started to sit down and take a look at the new code that was adopted and District R-12 of the Mobile Home Park sections of the zoning ordinance, we noticed that there are some other conflicts that do need to be addressed with respect to setbacks and sides of units and lots. So while this PUD took great steps to take a look at all the accessory structures on the property, we needed to take a further look at some of the principal structures and the units themselves and address is so that we weren't going to have conflicts within our own Municipal Code.

So for that reason I would like to hear from everyone as part of this public hearing this evening, but I don't know that the Plan Commission could actually take any final action because we do need to incorporate some additional changes so that we don't have any conflicts. So what I'd like to say is we're not looking for consideration this evening but we will want to continue the public hearing so we can get some of these issues resolved between now and October 8th.

The one other thing I would like to mention is that one of the first things that we uncovered with the property owner and his attorney when they completed this survey for Timber Ridge is that many of the units were constructed over the lot line to the south and to the east over the years. One of the first steps that they took was to acquire 25 additional feet to the south and I believe it

was 20 or 25 additional feet from the landowner to the east in order to at least create a situation where all of the units were located entirely within this property. It was the first step before we could create any type of PUD for this particular property.

So with that I'd like to continue the public hearing and hear from anyone who is here this evening, but the staff is prepared to recommend that we continue the hearing until October 8th so we can write some additional provisions as it relates to setbacks pertaining to the mobile home park units so that this PUD will address both the accessory structures and the units themselves.

Thomas Terwall:

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

Neil Guttormsen:

My name is Neil Guttormsen. I am legal counsel for the owner of this property, Judge Dean Trafelet. I can't compare my statement tonight to the articulate way that Jean Werbie expressed herself on all these details, but probably Thursday or Wednesday of last week we discovered this conflict with the Number 07-22 Ordinance of the Village. Of course, we needed to address the conflicts and articulate which ordinance would take precedence. I believe conceptually we have pretty much an understanding as to how to integrate the two ordinances. However, the language that needs to be placed in the PUD to reflect that isn't ready yet through no fault of anybody. It's just that it's not fair tonight to try to put that kind of responsibility on the Village's Attorney or for that matter for me to try to put that together since today we just had the discussions.

But I'm comfortable that we can work this out. I hope the Village feels the same way, and I hope this Plan Commission will recognize that this is the appropriate way to deal with this particular Mobile Home Park. This is an antiquated park in comparison to more modern parks that have come into fruition recently. I guess it does take a little bit more time and energy as she alluded to. We discovered that we had encroached on our neighbor's property. Rather than ignore it we thought the best thing to do was to acquire it so that we didn't have this potential problem of encroachment.

It's been 18 months. I don't think we've sat around and did nothing. It took our surveyor quite a bit to actually locate all of those structures on the exhibit. As you can tell, when you're dealing with sheds, decks, roads, mobile home units themselves, it took time to do that. So I would hope that on October 8th this particular Commission would see that this PUD is appropriate under the circumstances and would hopefully seek your approval at that time. Thank you for your time.

Thomas Terwall:

Thank you. 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 and staff.

John Braig:

Not so much a question as a comment. I note with particular interest Section 420-140 G. (4) refer or deals with the condition of a nonconforming structure. I very much note that if replacement is not practical as determined by the Village Zoning Administrator. I think that's very appropriate and is worthy of particular attention.

Thomas Terwall:

Anybody else? I have a question. Has Chief Guilbert had an opportunity to comment on this because I would like to have his comments.

Jean Werbie:

I have not received any specific written comments from him on the ordinance, but we had several meetings prior to drafting the ordinance where he and both the chief building inspector looked at the concerns and what they would accept with respect to setbacks and the concerns that they had with respect to the fire separation and what type of material that the walls would need to be made of in order to allow for structures to be located closer to one another than as originally proscribed in our ordinance. We will certainly have them both look at the final product before the next meeting. But, again, it was through their recommendations that we had drafted this.

Thomas Terwall:

Would you ask the Chief then to send us a note that he's in agreement?

Jean Werbie:

Sure.

Thomas Terwall:

We've had fires in not just this mobile home park but in others, and their first goal is to keep the fire just in the trailer or just in the mobile home that's burning. And sometimes we've been successful and sometimes we haven't. I've seen the vinyl siding melted off the trailer next door on more than one occasion. Mobile home fires are intense heat, there's no question about it, especially in some of those older homes where the interior walls are wood and it's 20 or 30 years old and dried out. I can recall a mobile home fire in Ernie . . . park where we kept the fire in a bedroom on one end of the trailer, and at the far end of the mobile home on the other end was a utility room that it melted the dials off the washer and dryer. That's how intense the heat gets. So I would definitely like to have the Chief's input before we vote on that.

Donald Hackbarth:

Just a quick comment or thought. How did this ever get that these trailers were diagonally placed or don't we know? That just doesn't sound like a practical way to do it.

Mike Pollocoff:

That was a long time ago. I don't know.

Jean Werbie:

I don't know.

John Braig:

I think at that time some people felt it was aesthetically more pleasing.

Donald Hackbarth:

The other thing is just a though, how do they get rid of the snow in there because it is really narrow. Does anybody know do they have to truck it out?

Thomas Terwall:

Yes, they truck it out. If it's not real deep they'll just plow it to the side. I will give the Judge credit for his maintenance of that park. It's really well maintained. But when the snow gets deep enough they truck it out, and not just that one but the other ones as well.

Donald Hackbarth:

I think the new manager, too, or the new person that's in charge is doing a good job, too. They're overseeing it very appropriately than what they were in the past.

Thomas Terwall:

We need a motion then to table Item A until the October 8th meeting.

Wayne Koessl:

So moved, Mr. Chairman.

John Braig:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG TO TABLE ITEM A UNTIL OCTOBER 8TH. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Then a similar motion for Item B.

Mike Serpe:

So moved.

John Braig:

Second.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO TABLE ITEM B UNTIL OCTOBER 8TH. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Jean, at that point the public hearing will be continued, is that correct?

Jean Werbie:

Correct.

Wayne Koessl:

Through the Chair to Jean, do you want us to keep these packets for the next meeting?

Jean Werbie:

Yes, please unless you prefer to give them back to us and then we'll give them back to you.

Wayne Koessl:

Whatever works.

John Braig:

I'm giving them back.

Jean Werbie:

Alright, we'll take them back from everyone.

C. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY PLAT for the request of Mark Bourque, agent for Country Corner, LLC owner of the property generally located at on the east side of 88th Avenue at 72nd Street for the proposed 8 single-family lot subdivision to be known as Edgewood.

Jean Werbie:

Mr. Chairman, I would ask that Items C and D be taken up for discussion at the same time. They are both public hearings.

John Braig:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO COMBINE ITEMS C AND D FOR THE PUBLIC HEARING PORTION WITH SEPARATE VOTES ON THE TWO ISSUES. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

D. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Mark Bourque, agent for Country Corner, LLC owner of the property generally located at on the east side of 88th Avenue at 72nd Street to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District; to rezone the non-wetland areas of Outlot 1 into the PR-1, Park and Recreational District and to rezone the remainder of the property into the R-4, Urban Single Family Residential District.

Jean Werbie:

Mr. Chairman, Item C is consideration of a preliminary plat for the request of Mark Bourque, agent for Country Corner, LLC owner of the property generally located at on the east side of 88th Avenue at 72nd Street for the proposed 8 single-family lot subdivision to be known as Edgewood.

The next item, Item D, is consideration of a zoning map amendment for the request of Mark Bourque, agent for Country Corner, LLC owner of the property for the property at the same location. This is to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District; to rezone the non-wetland areas of Outlot 1 into the PR-1, Park and Recreational District, and to rezone the remainder of the property into the R-4, Urban Single Family Residential District. Again separate items on these two matters will be required.

On November 14, 2005, the Plan Commission held a public hearing and on November 21, 2005 the Village Board conditionally approved a Conceptual Plan for this project. Conceptual Plans are only valid for a period of one year. On November 6, 2006, the Village of Pleasant Prairie Board of Trustees approved a request for a one year extension of the Conceptual Plan subject to the comments and conditions of November 21, 2005 approval.

The petitioner is requesting approval of a Zoning Map Amendment and a Preliminary Plat for the proposed eight single-family lot subdivision generally located on the east of 88th Avenue at 72nd Street to be known as the Edgewood Subdivision.

The development is located within the Prairie Lake Neighborhood. Pursuant to the Village Comprehensive Plan as shown on the slide this neighborhood shall develop with densities not to exceed an Upper-Medium Residential Classification. That means the lots within this neighborhood should develop between 6,200 square foot to 11,999 square feet per unit or lot. The Village has evaluated the area and has determined that a Neighborhood Plan will not need to be completed for this development because it's somewhat of an isolated area surrounded by lands within the City of Kenosha, and the balance of the area is already developed within the Village of Pleasant Prairie. So the Comprehensive Plan does show as shown on the slide where this neighborhood would be located.

Under residential development, the developer proposes to develop 4.62 acres with eight single-family lots, 0.88 acres of land will be used for public right-of-ways, 0.79 acres will be designated as open space, and a 15 foot strip north of the proposed right-of-way or 0.05 acres is proposed to be added to the adjacent property. The lots range in size from just over 15,000 square feet to just over 18,000 square feet with an average single family lot size of 15,778 square feet which is just over a third of an acre. The net density for the development would be 2.43 units per net acre.

At full build out we will have eight single family dwelling units or approximately 22 persons, and this is based on the 2.73 persons per household in Pleasant Prairie. This could generate up to five school age children or three public age school children.

Under open space, approximately .79 acres or 17 percent of the development is proposed to remain in open space. This includes .39 acre of wetlands on Outlot 1 and a proposed retention facility also located on Outlot 1. The wetlands on Outlot 1 were identified in the field on

December 23, 2003 by Dave Meyer with Wetland & Waterway Consulting LLC and approved by Mike Luba, with Wisconsin DNR on February 14, 2004.

Under tree preservation, along the perimeter of the property are a large number of large evergreens and other trees that will remain. Specifically, the rear 25 feet of lots 1, 2 and 3; the rear 40 feet of Lot 4 and the rear 50 feet of lots 5 through 8 are located within a Woodland Preservation, Access and Maintenance Easement. Approximately seven to eight trees may need to be removed at the entrance to get the public road into the development site and adjacent to the retention basin in Outlot 1.

Under municipal sewer and water, the municipal sanitary sewer main is located in 88th Avenue and will be extended into the development into the proposed 72nd Street. Municipal water is proposed to be extended by the Developer in 88th Avenue from 74th Street northward to service the subdivision. Municipal water is required to extend the length of the development that abuts 88th Avenue. A 10-year right-of-recovery could be afforded to the Developer for municipal water installed in 88th Avenue if approved by the Village Board. This, again, is because the Developer would be extending municipal water in 88th Avenue that would benefit offsite adjacent residents in Pleasant Prairie. The actual costs for the municipal water improvements will be provided at the time the final engineering is completed. The parcels as listed in the staff comments below would only need to pay the costs if they choose to connect to municipal water services, as a condition precedent to a land division, or apply for a permit for a new principal structure on any of the lots. As you can see, there are six referenced property owners that would be affected by that municipal water extension.

A Special Assessment public hearing for these off-site water main improvements will need to be scheduled by the Board related to these pending costs, and again we timed this with the final plat approval before the Village Board.

Under retention or storm water management, the Developer's engineer has evaluated the development site, based on actual field conditions and has provided a storm water management facility plan to handle the storm water management requirements within Outlot 1 of the development. Outlot 1 shall be dedicated to and maintained by the Edgewood Homeowners Association not by the Village of Pleasant Prairie.

Under Zoning Map Amendment, the property is currently zoned R-4, (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District. The petitioner is requesting a Zoning Map Amendment to rezone the field delineated wetlands into the C-1 classification; the nonwetland areas in Outlot 1 would go into the PR-1, Park and Recreational District; and then the remainder of the lots would be put into the R-4 District. The R-4 District would require that all lots be a minimum of 90 feet in road width and 15,000 square feet in area.

Under fiscal review, a fiscal impact analysis will need to be completed by the Village staff for the proposed development as it relates to the amount of Village tax dollars collected from the development and the level of Village services related to serve the development. The staff is working to complete this analysis. The developer has agreed to enter into a cost sharing agreement and a donation of \$891 per lot to address the immediate shortfalls in funding and fees collected for police, fire, EMS, public works and transportation. These donations and fees shall be paid to the Village prior to or at closing or as agreed to in the development agreement which is

what we'll need to work through with the developer. With that, this is a matter for public hearing. Again, we have both Items C and D for public hearing this evening.

Thomas Terwall:

Is there anybody wishing to speak on either of these issues? Anybody wishing to speak? Anybody wishing to speak? Mark you're here to answer questions? Thank you. If not, I'm going to open it up to comments and questions from Commissioners and staff.

Mike Serpe:

Just one for Mark. The surrounding development by the City, the approximate size of those lots, do you know?

Mark Bourque:

Mark Bourque, Prudential Premier Properties, 6040 39th Avenue. No, I don't. I don't know what the size of those lots are. Does the staff know?

Mike Pollocoff:

I think it's 7,500.

Jean Werbie:

There's a significant amount of floodplain I think and wetland to the east of this as well.

Mark Bourque:

The majority of the surrounding land of the actual development is probably some IPU's and a lot of floodplain. There's a lake of some sorts to the east of us. All of our property is going to—the topo is from the high point on the west end, low point on the east end where the outlot is, then it continues to drain overland into some type of a basin or lake perhaps.

Mike Serpe:

I was under the impression there was City development to the east of you. There's not?

Mark Bourque:

Not immediately. Not adjoining us, no. There are some developments, some newer ones in the City of Kenosha that I believe would be to the east and to the north, something to do with Golden Meadows, Peterson, something to that effect. Those are likely going to be 8,000 foot lots.

Mike Serpe:

That's what I was looking for. I was looking for a comparison on what you're bringing in as to what is in the surrounding area which is almost twice and in some cases three times.

Thomas Terwall:

Mark, the 15 feet to the north that's being attached to a different parcel what's the purpose of that?

Mark Bourque:

As a result of how the property laid out, and I don't know if you can put up a copy of the plat, but as a result of the road right of way ingress, it left this remnant strip that's referred to there on the west end of the property. The only other thing would have been to curve the road in which wasn't really practical. So as a result we have spoke with the adjoining landowner about dedicating that strip to them basically giving them at that property.

Thomas Terwall:

One other question. The fact that the homeowners are going to be responsible for maintaining the retention basin is that stated in the deeds?

Mark Bourque:

Yes, that is actually stated within the covenants and restrictions that are deeded.

Thomas Terwall:

So the property owner will know that it's his responsibility, correct?

Mark Bourque:

Yes. We make some further efforts along with the offers to purchase that the buyers are clearly aware of the deed restrictions and the declarations of conditions, covenants, restrictions and easements. Then we also have some language in there that in the event they were to sell their lot or perhaps with a home to another party that it's their responsibility to make that new buyer aware of those dedications, restrictions, easements, etc., along with any homeowner association fees. What we've seen in the past not necessarily in our developments but in some others where builders have bought lots for the purposes of speculation, then sold the finished home, the buyer walks in and even though there are legal remedies that put that buyer on notice that there are perhaps homeowner associations, deed restrictions, covenants, etc., the builder doesn't always make them aware. So then they have some heartburn after they bough the lot and find out that they have to either shell out some money or participate in some fashion. So we try to mitigate that through another measurement in the offer.

Thomas Terwall:

I'm just trying to prevent the Village Board from getting another dart from the *Kenosha News*. Any help you could give us would be appreciated in that regard.

Mark Bourque:

We'll try.

John Braig:

Is it signed acknowledgment that the buyer is aware?

Mark Bourque:

It's actually an addendum to the contract that they sign. So the buyer is signing that not only are they aware of this and not only is there a title commitment that makes them aware of this through the third party, but then also they're assuring us that they will then make the next buyer aware.

Wayne Koessler:

Mr. Chairman, that was going to be my comment. In view of what just happened recently, I wanted to make sure that the property owners were going to be aware of that. They were going to be maintaining that outlot so there isn't any articles about the Village and how we handle things. You are going to make them initial it or no?

Mark Bourque:

We actually make them sign it. It's a fully executed addendum to the contract.

Wayne Koessler:

That is what Mr. Pollocoff said the other day is that they have a tendency not to read the fine print and that's how we get into these problems.

Mark Bourque:

We go to further lengths, Commissioner Koessler, in posting these on our website. We try to make these as possibly aware to the public as we humanly can.

Wayne Koessler:

My concern is when you have that small number of lots it could be a burden on some of them.

Jean Werbie:

Just for the Plan Commissioners' reference, just immediately to the east of this property is a large wetland so there's a large amount of open space immediately to the east. And just to the east end of that is the back end of Total Furniture and the Prairie Lake Estates Mobile Home Park. To the northeast is I believe it's Peterman Rolling Meadows or Golden Meadow.

Mark Bourque:

Petersons in both Golden Meadows, Rolling Meadows.

Jean Werbie:

In the City of Kenosha where the lot sizes are a little bit smaller. So that's what's happening in the immediate area.

John Braig:

I think it should be noted that the Village appreciates Mr. Bourque's efforts to make sure that buyers are aware of what restrictions are on the property.

Thomas Terwall:

I just want to say in defense of the Village that we also did the same thing of the one in question, did we not?

Mike Pollocoff:

Yes. What Mr. Bourque describes is a process that's been used for a number of years in a number of subdivisions. It seems to be understandable and it's conveyed and it's on everybody's deed, but a lot of times people go to a closing and they succumb to the sign here, sign here, sign here and they don't look at what they're signing. Nonetheless, this is a smaller subdivision as the other one that was brought up and it is what it is. I mean the storm water flow is not dictated by somebody's ability to pay. It happens. It's there and everybody goes into it with their eyes open. But we can't make people open their eyes. All we can do is show them the writing and assume when they're signing they know what they're signing or they agree to what they're signing.

Mark Bourque:

If I may add, Mr. Chairman, fortunately enough based on the particular character of this small subdivision they don't have any other common elements to maintain. So consequently there's going to be I would expect a street light, a little cul-de-sac landscaping and this pond. So as a result their homeowners association dues should not be extraordinary compared to what we're seeing the norm in larger or mid sized subdivisions.

Thomas Terwall:

My only other caution is make sure you dig it deep enough or you'll be getting the next dart.

Mike Serpe:

What's the design of that basin? Is that similar to—

John Braig:

Is it wet or dry?

Mike Pollocoff:

That would be a basin similar to what the Village did which is the DNR standard 151 NR 216 which requires that the Village account for the water quality that we maintain 40 percent of total suspended solids. So to accomplish that the engineer is going to design that basin so there's at least a five foot deep basin with a safety shelf which we've all talked about and it a Village standard. We're one of the few communities that—in Kenosha there is no safety shelf. In a Kenosha basin you go right to the bottom. So we have a safety shelf and from there that's 2 feet, 18 inches to 2 feet, then it goes to 5 feet, and then what happens is that sediment that's going to come in the water that's planned, it's supposed to go to that water, it settles out at the bottom and the basins that are being designed and that we review need to have at least a 20 year storage for sedimentation in that five foot deep well. It's aerated, and the reason you want five feet is you need three feet of excess water so you don't stir up the sediment in the bottom.

As a reference point, in the Bentz Estates pond there was some concern by the residents and the DNR that the basin had too much sediment in it. We had performed soundings after that claim was made and as a reference point for the people that are going to buy in Mr. Bourque's subdivision or any other one, we came up with two tenths of an inch over four years so we probably have another, if we continue to accumulate sedimentation at the same rate, that's about a 25 year storage rate for sedimentation.

When I looked at Mr. Bourque's basin, dredging out that basin is basically going to involve a grade all which is a rubber tired excavator going in and scooping out the sedimentation, putting it in a truck and hauling it off. It won't be a drag bucket or anything like that. It's a pretty easy an inexpensive process. We took a look again at a subdivision that's a little bit bigger but not too dissimilar, that amounted to \$1.28 a month per household that was set aside. At the end of 20 years you'd have enough to have a fairly exotic cleaning of the basin, not just what you could do with a small basin. So it's manageable. I know the *Kenosha News* was concerned that the pond was in total failure and inadequately designed, but really its performance, and these ponds aren't new, their performance is really exceeding the standards that were placed on them and they're doing actually pretty well. Given the soils in this area which is another criteria in evaluating how these ponds are designed they're performing pretty well because it's tight, clay soil predominantly in this area.

Thomas Terwall:

Is the *Kenosha News* aware of the fact that the sediment has now reached two tenths of an inch.

Mike Pollocoff:

We can only put it out there.

John Braig:

What, you think they'd print it?

Thomas Terwall:

No, I'm sure they won't.

Mike Serpe:

One other thing to avoid any surprises by some future property owner, do you think it would be advisable to estimate the monthly cost or the annual cost of the maintenance of that basin throughout the entire homeowners association? It's only eight lots, and you're right, the only thing they have to maintain is that basin and I think they have to maintain the island.

John Braig:

And the electric energy for the pump.

Mike Serpe:

What we got from the Bentz Homeowners Association is, you're right, some did not know anything about the maintenance agreements. They were signed and never read, but the cost. Just so there's no surprises. Because running that pump 18 hours a day throughout most of three quarters of the year or half a year plus the lawn mowing, whatever is involved with the maintenance of that basin, if there could be an engineer's estimate on the approximate homeowners cost annually or monthly, if they don't read it that's their fault, but at least it was there for them to read if they wish to take the time.

Mark Bourque:

How we arrive at the amount that the homeowners association dues are going to be is through the process of preparing a budget. The budget has individual line items that would include electric power for the street light, for the aerator pump, for lawn mowing and maintenance, reserves for replacements, accounting, legal, collections, insurance. All the items that are usual and customary. That budget is prepared and then each owner receives a copy of that budget no later than the date that the homeowners association is transferred to the homeowners.

Thomas Terwall:

And at what point is that, Mark, when over half the lots are sold?

Mark Bourque:

This particular subdivision it might be seven eighths. It might be seven of the eight lots. The developer will maintain control of it until that point.

John Braig:

Perhaps the staff would be more prepared to answer this. In the design of the aeration of a pond, in looking at the Bentz Estates one, there is an awful lot of algae that's formed around the perimeter of the pond. In looking at it I got the idea that if instead of drawing water from below the pump and aerating it if a pipe or a duct could be run from the bottom of the pump to the edge of the pond you'd form a little more of a circulation loop and possibly even overcome the objection of the DNR that you might be stirring up that sedimentary basin by drawing the water from the side and recirculating that, you might let the waters be more still right under the pump or at the deepest part. Is that a possibility?

Then the second quick point is I don't know the details anymore, but when I was involved with the electric utility the utility had time of use rates. In fact, my residents is on that. I pay 20 cents a kilowatt hour during the day and something around 4 cents at night and weekends. If it were possible to operate the pump only 12 hours a night on the five days of the week and then run it continuously all weekend I think you might considerably save on the electric utility costs. But I can't speak as an authority on it. You'd have to check with the utility and see if this application would fit the bill. But the question is would it accomplish the aeration that is designed into an 18 hour a day schedule?

Mike Pollocoff:

In answer to the first part of your question there are pumps coming out now that's called a horizontal plane pump that does what you're talking about where it draws water from the sides rather than from the bottom. It's a more expensive pump because it needs to have a series of controls that monitors the elevation of the pond. So as the pond goes up you're going to stop drawing water. And then as the elevation of the pond stops rising the pump turns on, sucks the side water and if there is any floating material it aerates that. We looked at it and it's probably about another \$6,000. Every one is different because every pump is sized basically on the—

John Braig:

Are those pumps stationary or floating?

Mike Pollocoff:

They're floating. But the bank for the buck I think either way it works. The horizontal plane takes a little more telemetry or a little more control work to do. If the basin is designed properly and you have a deep enough well everything will settle out and it will work fine. If you look at the basin at Bentz Road there's times of the year where if you get a big flush of water you're going to have all the phosphorous that's come off every single lawn that's come into that basin and that's what's going to create the algae bloom, or the beginning of the season when everything is starting to bud and plant and everything is growing that's another time to get algae. So it's somewhat seasonal. But it's also related to temperature. The warmer it gets the more that water is turning over so when you want the pump to run is during the daytime.

Right now to get the performance of keeping the pond clear 18 hours is the minimum. The manufacturer recommends 24 hours. We've said we can play it down to 18 premised on the fact

that we can get by with shutting it off at night when there's less temperature and the electricity is cheapest but that's when there's less influence by the temperature of the water. So 18 hours is really the minimum. The one at Bentz Estates where people have been experimenting and been running it for five or six hours it just doesn't work. You're going to get algae like they have at that one. Really the best way is to stay on top of it and get ahead of it.

I think of a few ponds, Meadowdale has had a fountain in there from the beginning and they've stayed on top of it. It minimizes the amount of chemicals that need to go in the water if you just keep it aerated and fresh. If this pond was not near homes, it's an urban pond and people live there. People don't want to live next to stagnant body of water that isn't running because it stinks. You're going to have mosquitos. Then we'll be putting in West Nile tablets to keep track of that. It just ends up being a constant problem. But the kind of ponds where you don't need the fountains are either really big and deep like the WisPark ponds, Prairie Trails East has a really deep pond. I think they choose to aerate it on their own. That body of water will turn on its own and it will take care of itself. But these smaller ponds unless the developers really want to dig a big deep basin and create a baffle system there where you move water from one bank to the next it just doesn't work.

So given the current design standards that the Village has to design to which has been adopted by the State and what we have to build to this is the best alternative to keep the pond so it's usable by people who live next to it and meet those standards of removing 40 percent of the suspended solids that come into the pond as part of the wash when you get a big rainstorm. It will work but you've got to keep it running at least 18 hours a day during that April to November. Again, it depends on the weather. It's push and pull to make it work.

Thomas Terwall:

Thanks. If there's no further comments we need a motion for Item C, consideration for preliminary plat.

Mike Serpe:

Move approval of the preliminary plat.

Judy Juliana:

Second.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE PRELIMINARY PLAT 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. Now we need a motion for consideration of the zoning map amendment.

Wayne Koessl:

So moved, Chairman.

Judy Juliana:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT 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 PLAN COMMISSION RESOLUTION # 07-19 Recommending Creation of Tax Incremental District # 4 and Approving the Proposed Project Plan for the District.

Jean Werbie:

Mr. Chairman, I would like to make the presentation on Items E, F, G, H, I and J. All six items pertain to the same property. They all are public hearings with the exception of the last one and all of them will need separate action by the Plan Commission. I'll just keep going with my presentation and questions will be entertained on any one or all of the items when we continue the public hearings.

Wayne Koessl:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO COMBINE ITEMS E THROUGH J FOR THE PURPOSES OF THE PUBLIC HEARINGS BUT WE'LL VOTE SEPARATE ON THOSE ITEMS. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

- F. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #07-20 for an amendment to the Village Comprehensive Land Use Plan to change the Neighborhood Commercial land use designation at the southeast corner of 91st Street and 22nd Avenue to the Lower-Medium Residential land use designation.**
- G. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #07-21 to approve a Neighborhood Plan for a portion of the Barnes Creek Neighborhood generally located at the southeast corner of 91st Street and 22nd Avenue.**
- H. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue for the redevelopment of the properties for 4-7 unit condominium buildings to be known as Springbrook Place.**
- I. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue to rezone the properties from the B-1, Neighborhood Business District and R-5 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District to the R-11 (UHO), Multi-family Residential District with an Urban Landholding Overlay District.**
- J. Consider Plan Commission Resolution #07-22 to initiate a zoning text amendment to the PUD, Planned Unit Development Overlay District requirements related to minimum lot size for the PUD to be created within residential district.**

Jean Werbie:

The first item is Item E. It's a public hearing in consideration of Plan Commission resolution #07-19 recommending the creation of Tax Increment District #4 and approving the proposed project plan for the District.

Item F is a consideration and consideration of Plan Commission Resolution #07-20 for an amendment to the Village Comprehensive Land Use Plan to change the Neighborhood Commercial land use designation at the southeast corner of 91st Street and 22nd Avenue to the Lower-Medium Residential land use designation.

Item G is a public hearing and consideration of Plan Commission Resolution #07-21 to approve a Neighborhood Plan for a portion of the Barnes Creek Neighborhood generally located at the southeast corner of 91st Street and 22nd Avenue.

Item H is and consideration of a conceptual plan for the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue for the redevelopment of the properties for four 7-unit condominium buildings to be known as Springbrook Place.

Item I is a consideration of a zoning map amendment for the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue to rezone the properties from the B-1, Neighborhood Business District to the R-11 (UHO), Multi-family Residential District with an Urban Landholding Overlay District.

And Item J to consider Plan Commission Resolution #07-22 to initiate a zoning text amendment to the PUD, Planned Unit Development Overlay District requirements related to minimum lot size for the PUD to be created within residential district. Again, these items are all interrelated and will be discussed at the same time however separate action is required.

The first item, Resolution 07-19 and the public hearing is for the TID #4 project plan. The petitioner is requesting approvals for the proposed redevelopment of the properties generally located at the southeast corner of 22nd Avenue and 91st Street in the Village of Pleasant Prairie. The referenced properties as shown on the slide are characterized by a rundown neighborhood strip retail center originally developed in the 1959, which is surrounded by smaller single family residential land uses to the east, residential to the south and to the west, and a private church and school institutional land uses to the north, and to the south/southeast are some environmental uses. The retail center is an older, worn out and deteriorated building that has been the location of several fires and a target for vandalism and uncontrolled dumping. The building, due to significant water damage from a leaking and damaged roof, has significant mold growth and several other health, safety and welfare building and fire code violations. The site also has a number of zoning and municipal code violations related to building maintenance, obsolete signage, broken and deteriorated parking lot areas, tall weeds and grasses.

A Phase I and a Phase II Environmental Site Assessment have been prepared for the properties by Daniel J. Burns and Jason Herbst with Drake Environmental, Inc on January 6, 2003 and March 14, 2003, respectively.

The Phase I Assessment provided a detailed inventory of the site and its uses, an environmental analysis, interviews, aerial photography interpretations of the site between March 1963 and April, 2000 and findings and conclusions. The environmental assessment revealed no evidence of recognized environmental conditions in connection with the subject property except for the following: Local records indicated that a dry cleaning facility may have formerly been located in the building on the property. Because solvents were typically used in the dry cleaning processes, the potential exists for a release to have impacted the soil and/or groundwater of the property.

Secondly or next a Phase II Assessment was completed and it provides a detailed soil probe and sampling on the site, monitoring well installation, groundwater sampling, analytical testing, field evaluation inventory of the site and preparation of findings and conclusions. Analytical results indicated that tetrachloroethene, a common dry cleaning solvent, was found to be impacting the soil of the property. Tetrachloroethene was also found to be impacting the groundwater of the property.

On September 10, 2007 the Village's Community Development Authority reviewed the Blight Determination Study which included the staff analysis of the properties and the aforementioned Phase I and Phase II Environmental Site Assessment Reports and approved Resolution #07-01 which determined that the subject properties are blighted pursuant to Wisconsin Statute Sections 66.1335 and 66.1333 (2m) (b) which deals with blight elimination and slum clearance.

To assist in the required environmental cleanup of the site the Developer has requested the Village create a developer funded Tax Increment District #4 to provide for blight elimination, rehabilitation, and redevelopment of existing property to create an economically viable future use benefiting the immediate area and entire Village. Major project areas of the district would include: environmental investigation, cleanup, monitoring, and closure; demolition; and brownfield specific infrastructure components. The total cost for proposed cleanup projects is estimated to be \$715,365. The estimated costs of the major project areas are as follows and there are four of them:

1. Environmental Investigation/Cleanup/Monitoring/Closure: Components of this project area include additional environmental investigation, hazardous and solid waste characterization, removal and disposal; soil and groundwater remediation via hot spot evacuation; post-remediation monitoring and evaluation; installation of a subsurface passive venting system; brownfield site storm water design and analysis; and a brownfield site utility corridor analysis. The estimated cost for these project components is \$430,000.
2. Demolition: Demolition includes razing and disposal of the existing structure and site clearance including removal of the existing asphalt pavement. The estimated cost for this project component is \$108,000.
3. Brownfield Site Specific Infrastructure: Brownfield site specific infrastructure in the District will cost approximately \$66,000. Projects within this category include additional necessary and specialized installation components of typical development infrastructure such as natural gas, water, sanitation, electrical and paving required to mitigate and control contamination migration.

4. Administrative and Delinquent Special Assessment and Charges: The remaining \$111,365 is estimated that \$52,000 would be used for Administrative Services and \$59,365 used to pay the delinquent special assessments and other charges on the property.

The Village is proposing to issue a revenue bond payable only from tax increment revenue generated by the Developer's property to finance these project costs. The Developer will be the purchaser of the revenue bond and is obligated to secure private financing to obtain the funds necessary to purchase the bond and provide funding for the project costs.

On August 27, 2007, the Plan Commission adopted Resolution #07-17 which approved the designation of TID #4 boundaries and approved the draft Project Plan for Tax Increment District #4. On September 5, 2007, the Community Development Authority approved the Blight Study report prepared for the properties. The Village Board will be holding a public meeting on September 24th not September 17th, but September 24th to consider the approval of the TID 4 project plan which will provide costs to clean up the site. Once the site is cleaned up, the developer proposes to develop the properties for residential condominium development. Finally, for your information the Joint Review Board will be meeting on October 1, 2007 to consider approval of the TID 4.

Now I'd like to talk about the conceptual plan. Under the proposed development following the cleanup of the site, the petitioner is proposing to re-develop the 3.35 acre properties with four 7-unit buildings. Approximately 0.16 acre of land will be dedicated for the future widening of 22nd Avenue also known as Springbrook Road or County Highway ML. The net acres of the site will be 3.2 acres and the proposed development will provide a net density of residential development at 8.8 units per acre. 1.69 acres or 53 percent of the site will remain as open common space. There is no wetland or 100-year recurrence interval floodplain on the properties.

Each of the four condominium buildings will have 7 units. The units range in size from 1,210 to 1,713 square feet in size. No basements are proposed and each of the buildings. The project will include the following unit types and sizes:

- Unit A is a 1,247 square foot unit located on the lower level with two bedrooms and a 545 square foot two car attached garage.
- Unit B is a 1,230 square foot unit located on the lower level with two bedrooms and a 301 square foot one car attached garage.
- Unit C is a 1,210 square foot unit located on the upper level with two bedrooms and a 300 square foot one car attached garage.
- Unit D is a 1,383 square foot unit located on the upper level with two bedrooms and a 534 square foot two car attached garage.
- Unit E is a 1,389 square foot unit located on the upper level with two bedrooms and a 515 square foot two car attached garage.

- Unit F is a 1,060 square foot unit located on the upper level with two bedrooms and a 262 square foot one car attached garage.
- Unit G is a 1,713 square foot unit located on the lower and upper levels with three bedrooms and a 431 square foot attached garage.

In addition to the 44 parking spaces provided within the attached garages, 20 additional parking spaces will be provided for guests and others on the site. Pursuant to the Village Zoning Ordinance, the minimum parking spaces required for this development is 62 parking spaces, of which 44 must be enclosed and they meet this minimum requirement.

Under estimated population projections at full build out, 28 dwelling units. Again, using the Village's 2.73 persons per household the maximum we're projecting is 76 persons. It is likely with a condominium development it will be much less, but again we use the average persons per household when calculating population. Based on the numbers provided by the Unified School District approximately 17 school age children or 12 public school age children could come from this development at full build out.

Under open space, approximately 1.69 acres or 53 percent of the site will remain in open space. This includes two storm water management facilities at the northeast and northwest corners of the development and the preservation of a tree line along the south, southeast and southwest property lines.

A Dedicated Woodland Preservation, Access and Maintenance Easement shall be provided on the Engineering Plans, Plats and the Certified Survey Map to preserve and protect the remaining trees/brush line to the south of the development.

Under municipal sewer and water and private storm sewer facilities, municipal sanitary sewer and water are provided within the 91st Street adjacent to the site. The Developer will be installing sewer, water and stormwater facilities at his cost within the property. The sanitary sewer main within the development site will be public once it's dedicated to the Village; however the sanitary sewer laterals will be private. The water main within the development site will also be public once dedicated by the Developer, and the water service laterals will be public from the water main to the service branch shut off and private from the branch shut off to the building. The storm sewers within the development will be designated as private. All private utilities shall be owned, maintained and operated by the Springbrook Condominium Association, Inc.

There will need to be easements over any of the areas that the Village will have maintenance responsibilities over, as well as those areas that, for example, storm water management and tree preservation where the Village will have the right but not the obligation for maintenance.

The next item is the comprehensive plan amendment. In order for the project to move forward, the properties to be developed and a portion of the properties to the east that are currently designated as a Neighborhood Business will need to be changed into a residential land use designation. Therefore, the Comprehensive Land Use Plan is proposed to be amended to change the Neighborhood Commercial Land Use designation at the southeast corner of 91st Street and 22nd Avenue to the Lower-Medium Residential land use designation as shown on Exhibit A of

Plan Commission Resolution #07-20 and shown on the slide. So, again, the red area identified as N for neighborhood commercial would need to be changed to a residential classification.

The next item for public hearing is the neighborhood plan amendment. Neighborhood Plans are a component of the Village's Master Plan or the Village's Comprehensive Land Use Plan and they are essential to the orderly growth of the community because they establish a framework as to how development will occur when and if it does occur. The proposed development is located within a portion of the Barnes Creek Neighborhood. The entire Barnes Creek Neighborhood is bounded by 89th Street and 91st Street on the north, Sheridan Road on the east, 165 and 30th Avenue on the west. This neighborhood comprises of a number of older subdivisions including Springbrook, Brookside Gardens and Hickory Grove Subdivisions. The remainder of the area is primarily farmland with a number of home sites adjacent to the arterial roadways. In addition, the Keno Theater is located at the southwest corner of Highway or Sheridan Road and 91st Street which is part of this neighborhood.

Approximately 3.35 acres of the neighborhood located at the southeast corner of are proposed to be re-developed into four 7-unit condominiums buildings.

John Braig:

Seven or five?

Jean Werbie:

Four 7-unit buildings. Four buildings, seven units each. No new public roads are proposed adjacent to or within this development as a result of this project. Therefore, a Neighborhood Plan is proposed to be approved that shows this particular layout of this condominium development. That's attached in your Plan Commission packets as Resolution #07-21.

The next public hearing involves a zoning text and map amendment for this project. The current zoning of the three properties is B-1, Neighborhood Business and R-5 (UHO), Urban Single Family Residential District, with an Urban Landholding Overlay District. A portion of the properties is located within the shoreland boundary of a tributary to Barnes Creek. In order for the properties to be re-developed as proposed, the properties will need to be rezoned into the R-11, Multi-Family Residential District. A PUD, Planned Unit Development Overlay will also be required. Portions of the properties that are located within the shoreland boundary will remain unchanged.

Developing as a PUD will allow some flexibility with respect to some of the dimensional requirements or setback requirements within this zoning ordinance provided there's a benefit to the community. In reviewing the Conceptual Plan, a few dimensional variations are proposed at this time to be included in the PUD. First of all, they're going to have more than one building

- First of all, they're going to have more than one building per property. They're proposing four.
- The buildings adjacent to 22nd Avenue or Highway ML are required to have a 65 foot setback, wherein they are proposing to have a 40 foot setback.

In consideration of dimensional variations to the ordinance, some of the considerations as discussed with the developer:

- In addition to a statement in the PUD Ordinance related to 80 percent of the buildings being owner occupied, the Developer shall record a restrictive covenant in the Declaration of Condominium regarding a commitment to keep 80 percent of units as owner occupied.
- All Condominium units shall have individual exterior entrances and attached garages.
- Approximately 75 percent of each building shall have exterior building materials consisting of brick materials.
- A variety of building material colors shall be submitted and shall be specified in the PUD Ordinance.
- The sanitary sewer and water mains within the development shall be public.
- An additional 17 feet of right-of-way shall be dedicated for the future widening of 22nd Avenue.
- Although there is no C-2 woodland conservancy zoning on the properties, the woodlands and brush line located along the southern boundary, southeastern and southwestern boundaries of the properties shall be preserved and located within Woodland Preservation Easement areas.

And, finally, the last thing that's on the agenda has to do with the current PUD ordinance in a resolution that's being proposed by the Village staff to the Plan Commission. In order for a PUD to be created for this 3.2 acre property, the Village Board will need to amend the Zoning Ordinance to allow for a PUD to be considered for residential purposes on land that is less than 10 acres in size. Currently a PUD can be created provided the minimum PUD areas are met based on the proposed use. So the Village ordinance would need to be amended to reduce the minimum area of the PUD from 10 down to 3 acres. Plan Commission Resolution #07-22 initiates the process for the Village staff to evaluate and prepare a Zoning Text Amendment for the Plan Commission and the Board to consider. The resolution this evening does not mean that you're making a determination on this matter, but is simply regarding the merits of having the staff evaluate and present an ordinance for you to evaluate at a future meeting as part of a public hearing.

The next thing I'd like to talk about is the development schedule and the developer can discuss this in detail if specific questions are addressed to him. The Developer anticipates to begin the remediation of the site and the initial infrastructure work over the next several months and to have the site ready for construction by May of 2008. At that point the Developer intends to obtain permits for and construct all four foundations of the buildings. Construction is planned for the first building in approximately June of 2008. It is anticipated that each building will take up to six months to complete. After Building 1 is completed, the Developer intends to construct Building 2 by November 2008. Building 3 is intended to be constructed in April of 2009, and the

construction for the last building is proposed to begin construction in the fall of 2009. Again, this is subject to market conditions.

The final thing I'd like to mention is just with the previous development, a fiscal impact analysis shall be completed by the Village staff for the proposed development as it relates to the Village tax dollars collected for this development. Further discussion is warranted with the Developer related to the cost sharing agreement and donation of the \$891 per unit that would need to be made to the Village at the time of the issuance of building permit.

With that, again, there are several public hearings, five public hearings and then a final sixth item with respect to the Plan Commission Resolution. The staff recommends that we open up these public hearings for question and comment.

Mike Serpe:

Just one correction, Jean. The CDA met on September 5th. You have September 10th.

Jean Werbie:

It was Wednesday, September 5th.

Thomas Terwall:

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

Virginia Mullins:

Hi, I'm Virginia Mullins and I'm one of the property owners on the south side. Our land borders the south side of the property in question. One thing I have to say right off the top there's a lot of information up here that this is all new to us right now. I'd like for us to have the information if at all possible in the format that was presented here tonight so at least we can go back and have some time to look through this. We just have this little thing here. For my husband and myself it's not like the architect's rendering here that we have issues with. It's a lot of these other areas specifically with the creation of the TIF District. I'm not all that familiar with it, but some of the reading that I have been doing on it usually the TIF District is created for industrial development where jobs are being created or blighted neighborhoods along State highways. So some of the concerns I have are with the TIF District and how it's working with using the taxpayers' base to fund this project. We're looking at 28 years here. My husband and I are some of the youngest residents that live right here and I've got to tell you 28 years I'm not going to be alive then. I guess there are some of the younger people that live around there.

Some other concerns I have and one that really jumped out on me during the course of this presentation is it was known back in 2003 that our groundwater was contaminated. We're all on wells right there because there is no water line in 22nd for us. So individuals have known that there's groundwater contamination, this is our drinking water, and no one has thought to communicate anything to any of the residents that live there like at least you're going to want to get your wells checked and tested for that.

That brings up the other question I have here is that if all the soil removal is being done is it for the entire all three parcels or just the area where the actual building has been on? And what about the rest of us. We have wells that the groundwater is contaminated here. What is that doing for us? We don't have—yeah, we can drill another well, but if we have groundwater contamination putting a new well in isn't going to do is any good. That's a concern I have.

Another one, again, is the widening of 22nd Street. I think that's long overdue. I walk back and forth from the church and there's that one section where the right hand turn is and there's no shoulder. It's very dangerous to walk there, and specifically if you're having more children there and there's going to be more traffic back and forth. I really think Pleasant Prairie or Stephen Mills, whomever, someone needs to address that right away instead of in five years, in ten years. That's something I would like to see addressed up front along with the water issue.

Another concern I have here is with the retention ponds that are on the 91st Street, facing 91st Street. Those are pretty open to the public there. Yes, St. Therese which has a private school there, and you've got a lot of young children running back and forth. To me that's a safety concern. I don't think there's anyone guarding those retention ponds. I think they're too close to the street. There's no sidewalks there. The other concern, too, is reducing the amount of setbacks. Because 22nd Avenue is about eight feet above the actual ground, moving the buildings closer and all the roads are very curved there, I think it's going to cause some safety issues. People fly around those curves and with the retention ponds there every summer there's at least four or five cars that miss those curves and end up in the ditch. Having a body of water right there doesn't strike me as being the most intelligent thing to do.

One other thing I want to see if you could give us more information on the TIF District. From what I gathered the developer is looking to include using the TIF District to finance the payment of the back taxes. I have an issue with that. He also knew about all this stuff when he bought the property. I'd like to see some of these project pay backs like they are . . . on it. Again, this is the first that I'm seeing this right now. Those are my comments and questions.

Thomas Terwall:

Thank you. We'll complete the public hearing and then we'll answer your questions.

Marianne Lust:

My name is Marianne Lust and Ms. Mullins is our neighbor and she addressed most of my concern, too. My biggest concern is all that money that is being allowed to Mills Enterprise. I do understand as a businessmen he tries to get as much free money as he can. To me this is really free money. Like Ms. Mullins says it would take 28 or more years for the Village to recover this because of the TIF District. It really should be thought over if all that money should be given to this project. Thank you.

Thomas Terwall:

Is there anybody else? Mr. Mills?

Stephen Mills:

My name is Steve Mills. My business address is 4011 80th Street, Kenosha. Those are all good questions that the neighbors have brought forward. I asked those questions myself when I first drove by this property. I kept driving by this property over the years and seeing it deteriorate. So I tried to buy the property and found out that the owner really wasn't interested in selling because his mortgage was significantly more than the property was worth. I had envisioned buying it and demolishing the building and doing something else with this site. I often thought of it as a residential site because it's really not a commercial site any more in my mind.

So I never could quite figure out why it would never sell. It would go under contract and it would never close. The underlying lender, which was a local bank, had a mortgage on this property of a number of hundreds of thousands of dollars. And there were significant back real estate taxes with Kenosha County for four or five years. And typically about three years going for a tax deed on the property instead of letting them linger like that.

So I did some title search and I called the underlying lender because the owner had really kind of abandoned the property even though there were still two tenants on the property, one on each end. But the inside had a fire and it was in dilapidated condition. I had a vested interest in the fact that I own the Keno Drive-In Theater to the east and I own a farm of about 500 acres directly to the south of it. So I kept looking at it and saying that doesn't do the neighborhood any good nor does it do my additional holdings in the area.

So I called the lender and they referred me to their attorney, and their attorney said we will share the information that we have on this property but first you have to sign an affidavit saying that you'll not share that information with anyone. This would have been in the fall of '06. That's when I became involved in the property. So I got the affidavit and nondisclosure document and I signed it, and at that point in time I received a phase 1 and phase 2 analysis of the property that was done by Drake Environmental who is here this evening.

So I looked at that and said what is going to happen to this property? Eventually maybe the County is going to have to take it back. Then typically what happens with that is maybe it's the County or the State, I don't really know that it's Pleasant Prairie, has to go in and correct what is the environmental issue on the property meaning that, yes, there could be contamination of the groundwater and, yes, this isn't going to go away whether I bought the property or whether the County took it back. I'm not quite sure because I'm not really experienced doing brownfields, that's why I have since hired Drake Environmental who did the initial report.

So I looked at it and went to the bank and they sold it to me for a few cents on the dollar because of the fact that it has this contamination that isn't going to go away whether I develop this property or not. If not, I will forfeit the monies that I have put forward which is significant but not astronomical, and then the corporation that it sits in is a single asset corporation, I suppose I will have to do almost what the other gentleman did and that is let you all take it back for taxes. That was not my purpose in acquiring it to begin with. My purpose was to clean it up.

I found out in talking with Drake Environmental that other sites like this across the State they use what's called a developer funded TIF whereby no developer is going to buy these property, none of these neighbors would buy this property and be forced to clean up the environmental

circumstances that are here. They didn't create it but neither did I. So there's a mechanism in place that if I'm willing to take the risk that I can build these buildings, sell these units, generate tax revenue over time, it will per se pay back I or my lender for the money that we're going to have to front up front to clean up the site which is digging out a component of the site, hauling that dirt, ground, to an approved landfill that this can be disposed in, bringing in fill in an appropriate fashion engineering it through these gentlemen and through the DNR and State of Wisconsin, etc., so that this site is clean after the fact. Then when I get it hopefully next year when we're allowed to do this, I can go ahead and build on this. The neighborhood I believe will be cleansed in the fact that if you take the dirt out it will no longer migrate into the neighboring water system that these neighbors own and some of them have wells in, that the site will be clean and it would be better than I've found it.

I will have invested significant amount of money in getting it back over a long period of time. This is not a hit and run kind of a mission. We're going to be here and get our money back over an extended period of years. I don't believe it's 28. I think it's probably in the teens. It depends on how well the units sell and how they appreciate in value. But we're in the building business and I'm a partner in a company called Bear Realty. We've been in this town for 80 years. I'm not quite that old but I've been 30 and some odd years, and we like to think we stand behind what we do and we have an interest in the community. We can show the neighbors Northpoint Court which we're presently marketing by Casa Capri on 22nd Avenue and 14th Place. We have 85th Street Terra Heights we did over on the Tirabassi property. We have at Friarswood, we did Allenwood Condominiums. We did Provincial Condominiums. We did the Orchard Condominiums there. We've done a number, number of projects. So we're not going anywhere.

I am a neighbor just like they are to this property although I don't adjoin it with any of mine. I don't think that I'm trying to take advantage of anything. I'm trying to clean up a situation that isn't going to get cleaned up unless something like this happens to cure the warts so to speak that this property has on it. So we need to remove the warts so that we can then go onto this site and build something that I think will be special and will sell and give benefit to the neighborhood as opposed to what's there right now. I'd be pleased to answer any questions.

I haven't met with the neighbors. This is a long process. So what comes tonight there's still going to be other times I believe to share information with them. We've had a number, this is the fourth or fifth meeting we've had, but there's probably that many more to come. We're not trying to hide anything or pull any fast ones. We're just trying to do something that's economic to clean this site up and make it better after we're done than we found it. Thank you.

Thomas Terwall:

Is there anybody else wishing to speak?

Alan Mullins:

My name is Alan Mullins. I live at 9145 22nd Avenue. I was just understanding what these chemicals are. As a . . . compound they evaporate when exposed to air. How much of this compound can be left in the ground? Enough to cause a lot of damage, or as the soil is removed does it evaporate? Does it actually contaminate the ground to deep level? And, is this the best

way to spend our taxpayers' money? Can we do something simpler or easier such as three houses on one acre lots to keep it a residential area? Thank you.

Thomas Terwall:

Thank you. Anybody else?

Jennifer Iglacious:

My name is Jennifer Iglacious, and we reside at 9102 22nd Avenue. I've come forward with maybe a little more personal view and more self and family centered questions. My husband and I have a small business and we also have a young family that we're trying to grow where we're at. I guess my concern is I didn't know anything about the groundwater contamination. That would definitely be a concern for us at this point knowing that. I'm trying to find out what we can do to test our water, find out specifically what it is we're testing for, and to go forward and make sure we have safe water for our family. That would be a new concern that I hadn't even known anything about.

But also I guess we're looking at how this will affect our property's privacy. We are right on the corner where the building is going to be. Looking at the plans as best as I can understand them, I'm looking at 16 new windows facing our property there. My husband and I purchased this property because we liked the fact that it was quite private. It was spacious and had a little house but it had enough room for the children to run around and play and just an environment to be enjoyed. I guess that's kind of inhibiting for me to think about 16 new windows facing my property there.

Also, how this will affect our property value and our property taxes is something that I would be really interested in finding out. And how this will affect the traffic. They went into a little bit about that, about widening 22nd Avenue and how that's going to affect our property line and the way the setup is in front of our house. Not that it's going to change our property line but what's going to be going on there and how much closer the traffic is coming to our front door I guess would be my concern. I believe those are the basic concerns that I have and hopefully we can get some answers. Thank you.

Thomas Terwall:

Thank you. Is there anybody else? Anybody else? Before I open it up to comments and questions from Commissioners and staff, I'm going to ask the staff to respond to the open issues that we have before us already.

Mike Pollocoff:

I'll start off. Probably the first thing as it relates to the Tax Increment District, that's a tool that municipal governments in Wisconsin use for a number of reasons, probably the community's in Pleasant Prairie's experience with the Tax Increment District is LakeView Corporate Park where, in fact, we took farmland that was growing cabbage, we created a tax district so that the values that were collected from the property taxes from that cabbage field still continue to come to the Village, the School District, the County and Votech. But then as the new buildings were put up

on those farm fields and the streets and sewer and water and storm water improvements were put in, the taxes collected from those businesses, and those businesses pay taxes just like everybody else, those taxes go to pay off the bonds that build the streets, the water lines, the sewer lines, the storm water improvements. And that's an industrial TIF. And the statutes provide specifically for that.

There's another type of TIF and that's a TIF to remove a blighted area, to remediate a blighted area so that an area that's holding a community back, has become harmful because it lowers property values or it causes a spread of disease or things that are not good for the community's health, that same instrument can be used to eliminate that blight and that's what this does. So the same statute will let you use TIF for different reasons.

The Village is going to go through the process tonight and a Joint Review Board was created that appoints a member from the School Board, the Votek, Kenosha County and then a citizen at large along with a Village representative to evaluate the proposal and that's a project plan. In essence the question we ask ourselves is would this development happen without the TIF? In other words, the question here would be would Mr. Mills or any other person if he chose not to proceed could this happen if someone else were to buy the property and eliminate the contamination and still be able to develop the property? If that was the case then there would be no reason to have a TIF. The market would say it's worth it to go in and spend that money, take out the contaminated soils, take out the building, do those improvements that are required along with taking out the contaminated soils and build it.

For the last ten years, and you all live around that area, you know that little strip center has been sliding away as time has gone on, and it fell on increasingly difficult times. The traffic in that area, although it might be a nuisance to you, it's not enough to generate the number of cars that's going to make a commercial or retail center successful. That's one of the reasons they couldn't get anything going there is because there just isn't that type of traffic.

The Village was not aware of the level of contamination because it wasn't our property, we didn't issue a report to be done, we didn't have knowledge of it. And as Mr. Mills indicated in order to get that knowledge he had to sign a letter of confidentiality. If the project were to not proceed and we were decided as a community we don't want to do a TIF and we think this will take care of itself eventually, now that the Village has knowledge that the groundwater is contaminated in that area, the Village is required under our franchise with the State of Wisconsin to go into that area and install municipal water lines and assess for those water lines to get people off their private wells. If there's no reason to believe this is going to be solved, the Village has an obligation for public health to make sure that everybody who has got a well in that area is off their well and that municipal water is extended to accomplish that. So if things don't happen that's how the contamination is solved, that's how we would solve it is we would put water mains in and whatever that assessment is per foot between \$40 to \$50 a foot along with the laterals that would go in.

In discussions with Mr. Mills, what the Village is looking to do is we're not spending taxpayer dollars. The tax bill that you get each year there isn't going to be any money taken out of that tax bill to pay for cleaning up this site. What Mr. Mills is requesting is that the Village and everybody else will continue to get the same amount of money from that property, and property taxes will be due today, but he's going to pay the \$715,000 to clean the site up, and that's really

what that buys you is cleaning the site up, taking the old building down, putting in those improvements that work with that brownfield to monitor it and manage it, then paying off the deferred special assessment. The deferred special assessment is for the improvement of 91st Street. By paying that off that comes right back to the Village and actually helps the Village financially because that's a note that we've been carrying for a long time.

But after that that's all he gets paid for. He doesn't get paid for that until such time as the buildings are put up and those people that live in the condominiums that buy them start paying their property tax bill just like the residents, just like you do and I do. The only difference is when they pay their tax bill it's not going to the County, to Gateway, to the School District and the Village. It goes to the Village into a fund and then we pay Mr. Mills back for the money he spent to clean up the site. So there isn't money coming from the Village tax roll and we're not charging anybody more to clean this up.

He's putting that money out himself, and our estimate is over a 20 year period in the most conservative sense is how long it's going to take to have that paid off. At the end of 20 years then everybody gets money just like it didn't happen. So 28 years I think is too long. 28 is the maximum it can go but we don't want it to go any longer than Mr. Mills wants it to go any longer. He has an incentive to get his money back as soon as possible. We have an incentive to have that period be as short as possible because, again, we want that on the tax rolls where it comes to us.

But the public policy question that the Village Board and the Plan Commission and the Joint Review Board and the Community Development Authority have to weight is the community farther ahead to eliminate the contamination of groundwater and the soils in that area, get the blight removed off that property and have a private developer pay to do that and then get paid back over time from the new homeowners, or are we better to leave it, put in the water mains, and eventually face the fact that the contamination is still there and have the Village issue bonds in the amount of \$715,000 or whatever it is at that point, go in and dig that out ourselves, and then it goes on the tax roll for all the taxpayers to help pay for?

A good question that was brought up by Mr. Mullins is why don't you just take and have three homes be on the parcel instead of the condominiums? That certainly is possible, but if you had three homes the value of those homes would not be anywhere near what the value of the condominiums are and we'd be back to the point where I just described where the Village would have to kick in money to help clean it up because there's no way you could sell three homes and come up with \$715,000 net. You could sell maybe three homes for \$715,000, but that would pay for the construction of them and pay for the land. There has to be a net gain of \$715,000 to pay for the remediation. The economics of that just doesn't work.

So the only way the TIF will be created is if everybody comes to the conclusion this site will not get cleaned up unless we work on a development agreement where Mr. Mills is willing to hold the bag for the money over time to get his money back. Once that site is restored and the contaminated soils are out and we know it's clean and we've verified it, then at that point Mr. Mills is just like every other developer. He's going to prep the site. He's putting in his own sewer and water, the improvements to make it go just like every other developer. So what the Village is committing to in doing this is working with him with those future tax dollars that haven't been collected yet to get the site ready, to get rid of the bad stuff in the soils so he can

proceed. Then after that point is another risk he has to take. He's going to take the risk that people might not buy the condominiums as fast as he hopes. At that point he's got the money he put into it to buy it, whatever money for construction, and in addition to the remediation. Those are all risks that as an entrepreneur he assumes and not the taxpayers or not the residents.

We haven't done this in Pleasant Prairie. It's happened in a lot of areas in Wisconsin. In Wisconsin all municipalities are limited as to what type of improvements and financial assistance we can give to people. But I can tell you in some areas, in Milwaukee or Oshkosh or Fond du Lac or some other places, communities are actually paying additional incentives to do this. They're not saying you have to assume all the risk. They're putting money out there to help with that risk. In this case we haven't done it.

The questions related to the basins, on our previous item we talked about basins and water quality and these are going to be dry basins. The soils and the existing storm sewers in the area these will be dry basins. There won't be water in those as ponds. They're rain guards. Basically water is going to saturate in the soils. It's different. Once you get from roughly the bike path going east to Lake Michigan you have a whole different set of soils than you have from the bike path going west. That bike path is give or take the long-term shoreline of Lake Michigan. So as you go west you get into that harder clay soils and nothing saturates into that as anybody who used to have a septic system in that area would testify to. They don't perk. So I don't think they would be as worrisome as the wet basin would be for some people.

That corner is going to be modified a little bit on 22nd, but the whole road is not going to be widened. At some point 22nd Avenue is going to revert from Kenosha County to the Village of Pleasant Prairie and it will turn into a Village road. Which at that point the setbacks are even less than 40 feet, they would be 30 feet. So at some point in the future as Springbrook Road comes from 89th and it winds around over to 165 that won't be County Trunk ML anymore. That will be Springbrook Road, a Village road that the Village will be snowplowing and taking care of because it fits in with the development for the future Pleasant Prairie in a better way.

One of the questions was on privacy. We have areas in the Village where condominiums are across the street from single family residential. It was a concern voiced by people. Jennifer made a good point. As you're looking at 3 windows or 17 windows that is a difference. Hopefully they're not all looking at you at the same time but that is a change. That's different. That is a change. Is it going to affect your property values? I don't think it will. As it affects your property as privacy, this is going to be a heavily landscaped site. Jean has a map up here that we didn't have time to get up on PowerPoint but we'll share with you after the meeting, but there is going to be significant landscaping in there that I think will help mitigate that.

As far as property values, I think that getting the use that's out of there is going to be good for everybody because it's going to maintain your property values. The value of your property is going to be based on property that's similar to yours, single family homes, same vintage or style of home, and how the sales of those homes compared to the homes that are like that. They're not going to compare to the price of a condominium. So that's the comparison. Because you have a condominium development in your neighborhood doesn't mean that your home values are going to go up or down with the price of the condominiums. It's going to go up or down with other homes that are like yours.

Over time I think that if we don't transition this property out of the deleterious state that it's in, that will in turn affect the value of your homes and the value of that asset that you own as a home to have a blighted property. Now that everybody knows that the soils are contaminated around there that would also be a further hindrance on the value of the property. Even though we take care of it by requiring you to get water, it's still out there. The *Kenosha News* will rightfully and they should report that that's a reason, but everybody will know that's a reason and that plays a part in determining the value of your property if your property is near or close to properties that are viewed to be contaminated.

I think one more thing right there, Jean has a map that shows soil contamination. The plume of the groundwater contamination would be larger than that, but as you can see it kind of stretches and hangs to the south for lack of a better description. I believe those are the comments I had.

Jean Werbie:

Mr. Chairman, I'd like to introduce D.J. from Drake Environmental and he could possibly answer some of the questions that Alan Mullins had with respect to compounds left in the ground and the groundwater contamination as well as the soil contamination. I'm not sure if we need to have the questions again from Alan, but maybe D.J. can explain a little bit about what they did and why they did it and what they found.

D.J. Burns:

My name is D.J. Burns. I'm the project director at Drake Environmental. I live at N105W7585 Chatham Street in Cedarburg, Wisconsin. As Mr. Mills explained, at the onset of this project when he acquired the property it was known to the Wisconsin Department of Natural Resources that Mr. Mills had no history with that site. He never previously owned this site or was engaged in the operation there. So he went into this purchase as what's called an innocent purchaser. The way the DNR looks at that is if you did not personally cause that contamination or any of your agents cause that contamination, you could step into a situation and voluntarily agree to clean up a property. The DNR would assist that responsible party in making sure that all of their resources were available to an entity like the entity that Mr. Mills created. So it was with a lot of planning and a lot of consideration that Mr. Mills even entered into the purchase of this property.

Having known the history of this site as a site that had, and Jean did a great job in pronouncing it, tetrachloroethene is a chlorinated compound which was typically associated with dry cleaning facilities and dry cleaning usages. It is correct to call it a volatile organic compound. However, it's not very rapidly degraded by the presence of oxygen. I think that goes to one of the neighbors' comments. It isn't a simple compound to clean up. In fact, it becomes very expensive. Typically in the State of Wisconsin we see corner dry cleaner or strip mall dry cleaner clean ups costing somewhere between \$1 million to \$2 million to clean up soil and groundwater, and these are typically in urban areas, not these areas which have the natural resources that surround this property, as well as the presence of potable wells that are in existence at neighbors' properties.

The fact that this is even possible to be cleaned up for \$715,000 is really a fortunate set of circumstances here. Realistically without the creation of the TID there's not a high degree of likelihood that any of the public health risks could be addressed through the remediation of this

contamination. The cost as Mike pointed out is so offsetting to the prospect of any developer making a profit in the absence of these financial programs such as the creation of the TID. The but for clause that Mike was talking about certainly on a site like this, I do a fair number of sites throughout the State of Wisconsin, and as far as meeting the statutory of blighted and the but for conditions this is a very good candidate for you to consider.

Again, we've done a very good job with the staff and they've been very helpful in identifying those project plan costs that are the minimum necessary without going overboard to make this redevelopment a possibility. I guess that's where we go. If we're able to forward this project we will address the neighbors' concerns relative to soil and groundwater contamination in that area that I think will be the best end result for those that are in close proximity to this project site.

Thomas Terwall:

At this point you don't know what the contamination off of the site is? Do you know whether or not any private wells are contaminated?

D.J. Burns:

Both Drake and the Department of Natural Resources are generally aware of where the extent of contamination extends to. As Jean had pointed out in her slide, there's an area of soil contamination. That cross-hatched area is basically south and southeast of the former strip mall location. That's the highest areas of soil contamination that exists on this site and possibly just very very slightly off to the eastern property boundary. When you go to the groundwater contamination slide, you see there where groundwater contamination doesn't necessarily respect property boundaries. That's more likely to have spread through the environment.

The remedial approach that the DNR wants Mr. Mills to accomplish is what's called hot spot soil excavation. So we will attack the concentrated chemicals near the southern portion of this strip mall by excavation. We'll excavate that contaminated soil, take that off, and that will have the end effect of reducing that groundwater contamination and drawing it back within the confines of the site. So, again, any of these potable wells that are in the vicinity will be less likely to ever be impacted in the future. If we don't do anything about it right now, there's no way of knowing how far that groundwater contamination plume might extend into somebody's well. So it could be 5 years, 15 years, 20 years, and a potable well could be impacted if something is not done with that.

Mike Pollocoff:

One more question that was addressed by Virginia was, and maybe you can give them some guidance as far as testing their well water for this contamination. What we check for at the Village is only for E. Coli or fecal coliform. We used to send our samples out to Madison, but if somebody was wanting to get a water sample from their well to see whether or not they had that contamination do you have any guides telling them what they should do?

D.J. Burns:

As general advice I would encourage you to talk with the local Wisconsin Department of Natural Resources project manager for this site. Her name is Shauna Laubie. I can get you her contact information or through Mike I can certainly make that available. The Wisconsin Department of Natural Resources encourages any homeowners that are on their own private potable wells to have their wells tested at least annually for a number of parameters. One of the gentlemen mentioned VOC's. That's due to a tendency to travel throughout the subsurface environment. It's probably best for you to talk with the Wisconsin Department of Natural Resources project manager in your area. They'll help to identify sites similar to this that may have had releases historically and allow you to properly test and assess your well. They're never perfect, but at the same time they can often give you advanced warning.

With the case of this site in particular the DNR project manager is very well aware of the presence of potable wells in the vicinity of this site. To this point the DNR has not required any testing of off site potable wells in order to identify where that downgrading extensive contamination is. It's believed by the DNR that it's restricted primarily to this project site. Again, through future testing, if it becomes available, certainly that would be a good program for the DNR to adopt is to identify potential receptors, your wells are called potential receptors, and we could include that in basically a sampling regiment and alert the homeowners of what the conditions of their wells are. So I think that would be a great side benefit for the neighboring property owners.

Mike Serpe:

To the neighbors that were concerned about this I totally understand the amount of information that's been generated here. I understand the concern. But I also have to say that I think I for one am thankful for a person like Steve Mills to come forward with almost three quarters of a million dollars to clean this site up that would otherwise probably just remain there as an eyesore and a blighted area. As Mike Pollocoff indicated there is absolutely money that any one of the taxpayers could be paying Mr. Mills for this development.

I think there's enough condominium projects in and around Pleasant Prairie and Kenosha for everybody that should be familiar with them to see just how they're maintained and how many problems come out of those condominium projects which virtually is almost none. The homeowners association has the site maintained to perfect, and I think all of us that live in subdivisions or private homes know that sometimes there's homes in an area that are not necessarily very well maintained. Sometimes they have junk cars on the side of the house. Sometimes they don't cut their grass when needed. They don't maintain the paint on the house. You're never going to see this with a condominium project.

There is very little, and I've brought this up in the past numerous times, I don't always agree with the formula that Unified uses on gauging the amount of children that are going to be associated with these projects especially in condominiums. It's been at least my experience that there's very few children that come out of condominium projects. It's usually empty nesters, maybe a young couple that for whatever reason doesn't want to have children or even singles and seniors who usually take ownership of these units.

Again, every municipality has some of these problems. I think Pleasant Prairie is fortunate to have Steve Mills come forward to make this thing right. I'm totally in favor of this. Like I said, I totally understand the concern of the neighbors. You came in here without much information. There is a lot of information to go through, but I think this is the best way to go and I think it's a win/win situation for everybody.

Thomas Terwall:

Jean, are copies of your presentation tonight available or could be made available to the neighbors if they want them?

Jean Werbie:

Yes.

Judy Juliana:

Question to Jean or Mike through the Chair. Under zoning text and map amendment I need a clarification. The buildings adjacent to 22nd Avenue are required to have a 65 foot street setback, and now we're proposing them to be a minimum of 40. But then towards the bottom of the page we're saying an additional 17 feet of right of way shall be dedicated for the future widening of 22nd Avenue. Are you telling me that the setback in actuality is going to be 23 feet or it's going to be maintained at the 40 feet.

Jean Werbie:

It will be maintained at 40. First the developer has to dedicate an additional 17 feet of right of way for the future widening of 22nd. Then he's going to be 40 feet back from that right of way. So the property line will be 50 feet from the center of the road. The setback is measured from the property line.

Judy Juliana:

Thanks for the clarification.

John Braig:

Are the islands in the driveway and the adjoining landscaped areas to be curbed?

Jean Werbie:

Yes.

Thomas Terwall:

Mike or Jean, have discussions with Mr. Mills been held on the subject of the \$891 per unit and has that been resolved?

Mike Pollocoff:

We haven't had those discussions yet. One of the things we're going to be doing, one of our next steps assuming this proceeds, is to develop and create a development agreement that's going to provide all the specifics of what the Village needs for funds, how we're going to operate the reimbursement of the increments to Mr. Mills and all those things. But that is a proviso that the Plan Commission and Board have made clear to the staff that's required for any residential development.

As I indicated before, our commitment to Mr. Mills and this project is to facilitate cleaning that site up and getting it to the point where he's on a level playing field with everybody else that's developing and that's what we're charging everybody else.

Thomas Terwall:

I'm fully prepared to support this with the understanding that we come to some understanding, the same thing we've done with every other developer. But we'll have another opportunity to discuss that at a later date I assume, correct?

Mike Pollocoff:

Yes.

Thomas Terwall:

Any other comments or questions? Anybody else? If that's the case then we've got a series of items here. First off is Resolution 07-19. We need a motion to approve that.

Mike Serpe:

So moved.

Wayne Koessl:

Second.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO ADOPT RESOLUTION 07-19 REGARDING THE CREATION OF TAX INCREMENTAL DISTRICT #4 AND APPROVING THE PROPOSED PROJECT PLAN. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

Aye.

Thomas Terwall:

Public hearing and consideration of Plan Commission Resolution 07-20 for an amendment to the Village's Comprehensive Land Use Plan.

Wayne Koessl:

Move approval.

Judy Juliana:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA THEN TO ADOPT RESOLUTION 07-20. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

AYE.

Thomas Terwall:

Item G. Public hearing and consideration of Plan Commission Resolution 07-21 to approve the neighborhood plan.

Jim Bandura:

Move for approval.

Mike Serpe:

Second.

Thomas Terwall:

**MOVED BY JIM BANDURA AND SECONDED BY MIKE SERPE TO ADOPT
RESOLUTION 07-21. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

AYE.

Thomas Terwall:

Item H, public hearing and consideration of a conceptual plan for the request of Mills Enterprises, LLC.

Mike Serpe:

Move approval.

Wayne Koessl:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO
SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO
APPROVE THE CONCEPTUAL PLAN SUBJECT TO THE TERMS AND CONDITIONS
AS OUTLINED IN THE VILLAGE STAFF MEMORANDUM. ALL IN FAVOR
SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

AYE.

Thomas Terwall:

Public hearing and consideration of a zoning map amendment. Need a motion to approve.

Jim Bandura:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

AYE.

Thomas Terwall:

And, finally, Plan Commission Resolution 07-22 to initiate the zoning text amendment.

Jim Bandura:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

**MOVED BY JIM BANDURA AND SECONDED BY MIKE SERPE TO ADOPT
RESOLUTION 07-22. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

AYE.

Mike Serpe:

Jean, can the neighbors have these?

Jean Werbie:

There's a couple of typos that we would like to correct. If we could do that then we could either mail them to them or get them dropped off or they could come and pick them up maybe sometime tomorrow morning if that would be okay.

Mike Serpe:

The typos are that severe?

Jean Werbie:

No, but if we got a clean copy we could hand make the corrections.

Mike Pollocoff:

We can give them the maps. I think that explains it.

Jean Werbie:

If they'd like to take them tonight, I can have one of my staff collect the materials from you and we can put them together for them before they leave. Peggy could collect them and if they want to wait in the lobby we could do that.

K. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT to correct the Village Zoning Map as a result of a wetland staking completed by the Southeastern Wisconsin Regional Planning Commission for two undeveloped properties located on the west side of Lakeshore Drive south of 96th Street known as Lots 2 and 3, Block 52, of Carol Beach Estates Subdivision, Unit No. 5A. The field delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District and the non-wetland portions of the properties would remain in the R-5, Urban Single Family Residential District. The LUSA, Limited Use Service Area Overlay District will remain on the properties.

Jean Werbie:

Item K is a public hearing and consideration of a zoning map amendment to correct the Village Zoning Map as a result of a wetland staking completed by the Southeastern Wisconsin Regional Planning Commission for two undeveloped properties located on the west side of Lakeshore Drive south of 96th Street known as Lots 2 and 3, Block 52, Carol Beach Estates Subdivision, Unit No. 5A. The field delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District, and the non-wetland portions of the properties would remain in the R-5, Urban Single Family Residential District. The LUSA, Limited Use Service Area Overlay District, will remain on the entire property.

On August 21, 2006, the Village received an application from William Hosken and Beverly McElmurry for a wetland staking to be completed on two adjacent vacant properties generally located on the west side of Lakeshore Drive south of 96th Street in the Village of Pleasant Prairie and further identified as Tax Parcel Numbers 93-4-123-191-1300 and 93-4-123-191-1305, Lots 2 and 3 of Block 52 in Carol Beach Estates Subdivision Unit 5A.

The Village received a letter dated January 19, 2007 from SEWRPC that indicated that the Plat of Survey correctly surveyed and correctly identified the wetlands on said property as field staked on November 16, 2006.

Pursuant to NR 117 of the Wisconsin Administrative Code, the Village Zoning Ordinance and the wetland staking application filed by the property owners on February 12, 2007, the Plan Commission approved Resolution #07-06 to initiate a Zoning Map Amendment to correct the Village Zoning Map as a result of the wetland staking being completed.

Therefore, the field-delineated wetlands on the property are proposed to be rezoned into the C-1 District and the non-wetland portions of the property would remain in the R-5, Urban Single Family Residential District. Again, the area would still have the LUSA, Limited Urban Service Area Overlay District on the two properties. This is a matter for public hearing and I'd like to continue the hearing at this time.

Thomas Terwall:

Is there anybody wishing 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:

These both are buildable lots then are they not? There's a 30 foot required setback from the wetland area?

Jean Werbie:

It's a 25 foot setback from the wetland and 30 feet from the right of way from Lakeshore Drive.

Thomas Terwall:

Jean, in addition to this sketch, do we get a wetland staking that says that this is 151.22 feet from the lot line, or how do you know exactly what's the field delineation? You must get more than this little sketch?

Jean Werbie:

We do. We get a detailed plat of survey. We get the delineated report that lists the plant life as well as the survey that shows us exactly what has been found on the property. And then this is verified by SEWRPC or the DNR.

Mike Pollocoff:

The surveyor follows the biologist and actually stakes it.

Jean Werbie:

Right. The biologist puts flags in and then they will survey each of those points of the flag so we know precisely where it is on the property.

Mike Serpe:

Move approval.

Wayne Koessl:

Second.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO APPROVE THE ZONING MAP AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

L. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT to correct the Village Zoning Map as a result of a wetland staking completed by the Southeastern Wisconsin Regional Planning Commission for the undeveloped property located on the west side of 3rd Avenue in the 11200 block known as Lot 4, Block 20, of Carol Beach Estates Subdivision, Unit No. 2. The field delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District and the non-wetland portions of the property would remain in the R-5, Urban Single Family Residential District. The LUSA, Limited Use Service Area Overlay District will remain on the entire property.

Jean Werbie:

Mr. Chairman, Item L, the legal description was incorrectly noticed in the *Kenosha News* for this particular property. So what the staff would like to do is withdraw this Item L and republish the notice and bring it back at the next convenient available time after we publish a Class 2 notice for this particular property.

Thomas Terwall:

Before I entertain a motion to table I have a question. Based on the drawing of the field delineated wetland, that renders this lot unbuildable, does it not? Even though two thirds of the lot is still buildable, you couldn't get to the buildable portion without going through the wetland, right?

Mike Pollocoff:

Or if they were able to acquire some of the lots next to them.

Jean Werbie:

Or if the DNR would grant a fill permit for a driveway. That has happened one time before.

Mike Serpe:

Are you here on this item now, the one we're asking to withdraw?

Thomas Terwall:

We're going to table this item only because it was not properly legally noticed but you're more than welcome to speak. We need your name and address please.

Joleen Hoskins:

I'm Joleen Hoskins. Through a divorce I received this property. This was my backyard. We maintained it beautifully except of course for the frontage on Third Avenue. I had Pleasant Prairie come. I had JKR Survey come which was a wetland which I was told from Pleasant Prairie. They said it was buildable. My next step from the builder, the realtor, is the DNR will come in. I have to grease their palms, and also they have to put in their own driveway to make sure it's appropriate. So I have to put out some more money. It is sellable and there is a gentleman that would like to buy it at this moment.

Thomas Terwall:

The only reason that we're going to table this item tonight is because the legal notice that went into the newspaper describing this item did not have the proper delineation of what the parcel number was. So we can't legally take action because the legal notice was incorrect. The plan is to table this until our next meeting which will be—

Jean Werbie:

I need to be afforded to publish a Class 2 notice with the correct tax parcel number. The staff report shows the correct tax parcel number but the notice has the wrong tax parcel number. This doesn't stop anyone from moving forward and contacting the DNR trying to get a fill permit for the driveway. It just would prevent building until it gets rezoned if, in fact, that fill permit is issued.

Mike Serpe:

When is it coming back, two weeks?

Jean Werbie:

At least 30 days because I have to get a Class 2 notice published. Again, it's going to take at least 30 days if not 90 or 120 days to get a fill permit from the DNR in order to fill the wetland area for a driveway. So I don't believe that this would stop someone from being able to go through that process as long as we don't issue any permits until the rezoning in fact does take place.

Joleen Hoskins:

All I'm saying is I have a title or a deed. I have all the numbers.

Mike Serpe:

Ma'am, you did nothing wrong. You did absolutely nothing wrong. It was a mistake on our part. But because of the mistake we have to go through this process again.

Joleen Hoskins:

So now the gentleman is probably not going to be able to dig or anything. It will be winter.

Jean Werbie:

He couldn't anyway. He needs to get a fill permit in order to have a driveway put into this property through those wetlands. He would not be able to do anything until that permit is obtained from the DNR.

Thomas Terwall:

But he can go ahead and apply for that now.

Jean Werbie:

He can apply for it and go through that process.

Joleen Hoskins:

That would be. I would have to do that.

Jean Werbie:

But I'm just saying it will take much longer than the 30 days than it will take us to get back to this point to get this rezoned. I mean we will initiate this on our own and take care of this and get it corrected properly, not at her cost but at our cost. But with respect to that driveway that's an extensive process.

Thomas Terwall:

So you can go ahead, ma'am.

John Braig:

Just for clarification. Was the error in the submission to the *Kenosha News* or in the printing or the transcription of it?

Jean Werbie:

I don't know that. I just noticed it was wrong in the notice that went out to the neighbors, that the three digits was supposed to be 93-4-12-293-0245. I'm not sure.

John Braig:

My concern is if it's an error on the part of the news—

Jean Werbie:

If it would be theirs they would take care of it but it was likely on the staff part. I'll have to go through it. But it's happened that the news has made errors and they've not charged us. And if we've made an error we will take care of it.

Thomas Terwall:

We need a motion to table this item.

John Braig:

I move to table.

Jim Bandura:

Second.

Thomas Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO TABLE THIS ITEM FOR 30 DAYS.

Jean Werbie:

Even though it's being table we will renote and get it renoted as quickly as possible and we'll bring it back on the agenda and the neighbors will get new notices.

Thomas Terwall:

Thank you. All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

M. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT to correct the Village Zoning Map as a result of a wetland staking completed by the Southeastern Wisconsin Regional Planning Commission for the undeveloped property located on the south side of 93rd Street generally between 8th and 11th Avenues known as Lot 6, Block 6, Carol Beach Estates Subdivision, Unit No. 6. The field delineated wetlands are proposed to be rezoned into the C-1,

Lowland Resource Conservancy District and the non-wetland portions of the property would remain in the R-6, Urban Single Family Residential District.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, Item M is a public hearing in consideration of a zoning map amendment to correct the Village Zoning Map as a result of a wetland staking completed by the Southeastern Wisconsin Regional Planning Commission for the undeveloped property located on the south side of 93rd Street generally between 8th and 11th Avenue known as Lot 6, Block 6, Carol Beach Estates Subdivision, Unit No. 6. The field delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District and the non-wetland portions of the property would remain in the R-6, Urban Single Family Residential District.

On July 25, 2006, the Village received an application from Bonnie Lindstrom for a wetland staking to be completed on a vacant property generally located on the south side of 93rd Street between 8th and 11th Avenues in the Village and further identified as Tax Parcel Number 93-4-123-191-0105.

The Village received a letter dated January 10, 2007 from the SEWRPC that indicated that the Plat of Survey correctly surveyed and correctly identified the wetlands on said property as field staked on November 16, 2006.

Pursuant to NR 117 of the Wisconsin Administrative Code, the Village Zoning Ordinance and the wetland staking application filed by the property owner, on February 12, 2007, the Plan Commission approved Resolution #07-06 to initiate a Zoning Map Amendment to correct the Village Zoning Map as a result of the wetland staking being completed this hearing is being held this evening.

Therefore, the field-delineated wetlands on the property are proposed to be rezoned into the C-1, Lowland Resource Conservancy District, and the non-wetland portions of the property would remain in the R-6, Urban Single Family Residential District. This is a matter for public hearing.

Thomas Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Hearing none I'll open it to comments.

Wayne Koessl:

Move approval.

Judy Juliana:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

N. Consider Plan Commission Resolution #07-23 to initiate a Zoning Text Amendment related to the length of eaves on dwellings and the Zoning Administrator's approval authority related to the reduction of eave lengths in the R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-7, R-8, R-9, R-10 and R-11, single-family and multiple-family residential zoning districts.

Jean Werbie:

Item N is to consider a Plan Commission Resolution 07-23 to initiate a zoning text amendment and it's related to the length of eaves on dwellings and the Zoning Administrator's approval authority related to the reduction of eve lengths in the R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-7, R-8, R-9, R-10 and R-11 single family and multiple family residential zoning district.

The Village Plan Commission may initiate a petition for the amendment of the zoning ordinance which could include the rezoning of property, change in zoning district boundaries or changes in the text of the ordinance. The staff recognizes that there are certain single family and multiple family residential dwelling standards that are architecturally and aesthetically attractive in appearance but may not meet the minimum required one foot main roof even length as required by the zoning ordinance. The Village staff is recommending and proposing to evaluate the single family and the residential single family design standards as it affects the residential districts R-1 through R-11 as it relates to the lengths of eaves on dwellings. And the staff would like the opportunity to re-evaluate and bring back possible zoning text amendments for the Plan Commission's consideration.

The initiation of this resolution and petition does not in any way make any decision by the Village Plan Commission this evening but rather allows the Village staff to further study and bring back a recommendation for a public hearing to be considered by the Plan Commission. The staff recommends approval of the resolution as presented.

Mike Serpe:

So moved.

Judy Juliana:

Second.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JUDY JULIANA TO ADOPT RESOLUTION 07-23. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

O. Consider Plan Commission Resolution #07-24 to initiate a Zoning Map Amendment to correct the zoning map within TID #2, as amended generally located south of CTH Q (104th Street) and west of IH-94.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, Item O is to consider the Plan Commission Resolution 07-24 to initiate a zoning map amendment to correct the zoning map within the TID 2 as amended boundaries generally located south of County Trunk Highway Q or 104th Street and west of Interstate 94.

The Village Plan Commission may initiate a petition for the amendment of the zoning ordinance which may include the rezoning of property, change in zoning district boundaries or changes in the text of the ordinance. On September 17, 2001 the Village Board approved ordinance #01-40 to amend the zoning map in accordance for the proposed zoning for TID 3. Note, TID 3 was incorporated as part of TID #2 as amended in 2004. Whereas it has come to our attention that there was an error in the zoning map amendment in the area of the TID generally located south of County Trunk Highway Q west of I-94. Whereas a portion of the area rezoned to the business district should have been rezoned into the manufacturing district. The staff is proposing to evaluate the maps to determine the required corrections and set a public hearing to correct the official zoning map.

The Plan Commission hereby initiates and petitions to amend the official zoning map as it relates to the changes in this district, and therefore they are not making any determination regarding the merits in this district change this evening, but simply initiating the process for which a public hearing could be set by the Village Plan Commission. The staff recommends approval of this resolution as presented.

Judy Juliana:

Move to approve.

Wayne Koessl:

Second.

Thomas Terwall:

**MOVED BY JUDY JULIANA AND SECONDED BY WAYNE KOESSL TO ADOPT
RESOLUTION 07-24. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

7. ADJOURN.

John Braig:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Let the record show we adjourned at **7:25 p.m.**