

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
September 24, 2007**

A meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on September 24, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; John Braig and Judy Juliana. Andrea Rode; Jim Bandura and Larry Zarletti were excused. Also in attendance were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator

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

Jean Werbie:

Mr. Chairman, I have two pieces of correspondence. The first is the new Compass Points Newsletter that is published by Kenosha County. It's their comprehensive planning newsletter. One of the things that it does identify is that there is going to be some comprehensive planning open houses that are going to be coming up from September through November. The one that is going to be held in the Village of Pleasant Prairie is Monday, October 22<sup>nd</sup>. This is a Plan Commission meeting night, but this meeting will start at approximately 6:30. So hopefully Plan Commissioners and others will go directly from this meeting over to that one at the LakeView Room at the RecPlex. It also has some other details in here about their Kenosha County Café and some other information about basic inventory information that they've been gathering. Our Village newsletter is also going to be coming out and it's going to have just a brief excerpt about the Pleasant Prairie Café and we will follow it up with some more detailed information in the future.

The second piece of correspondence is a proclamation that the Village Board approved. This is regarding October being community planning month. Basically the proclamation talks about the importance of planning to our community and the benefits of planning for the public officials and the citizens to understand how things are planned out in this community. It recognizes professional planners and it also recognizes the contributions that are made by the Village Plan Commission and the Village Park Commission with respect to all their planning efforts in this community. And this was adopted by the Village Board on September 17, 2007. Again, October is community planning month. As you can see, attached to that is a proclamation from the Governor that talks about October being Community Planning Month as well.

- 4. CONSIDER THE MINUTES OF THE AUGUST 27, 2007 AND SEPTEMBER 10, 2007 PLAN COMMISSION MEETING(S).**

Judy Juliana:

Move to approve.

Wayne Koessl:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY JUDY JULIANA AND SECONDED BY WAYNE KOESSL TO APPROVE THE MINUTES OF THE AUGUST 27<sup>TH</sup> AND SEPTEMBER 10, 2007 PLAN COMMISSION MEETINGS AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

## **5. CITIZEN COMMENTS**

Thomas Terwall:

If you're here tonight for Items A through D, which are matters of public hearing, we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as a part of the official record of that hearing. However, if you're here for Items E through H or for an item that does not appear on the agenda, now would be your opportunity to speak. We would ask you to step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments? Anybody wishing to speak? Anybody wishing to speak?

## **6. NEW BUSINESS**

Thomas Terwall:

Items A and B, Jean, you want to take together but discuss both separately, is that correct?

Jean Werbie:

Yes.

Thomas Terwall:

Because they're related we'll conduct the public hearing on both at the same time but it will take two separate votes.

- A. PUBLIC HEARING AND CONSIDERATION OF A FINAL PLAT, ENGINEERING PLANS, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS** for the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for the properties generally located east of 63rd Avenue and north of STH 165 for Stage 1 of the Courts of Kensington development including 36 single family lots and three (3) outlots.
- B. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT** for the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for the properties generally located east of 63rd Avenue and north of STH 165 to rezone the field delineated wetlands in Outlot 2 into the C-1, Lowland Resources Conservancy District, to rezone the Outlot 1 and the non wetland areas in Outlot 2 into the PR-1, Park and Recreational District, and to amend the shoreland boundary as a result of the Wisconsin Department Natural Resources finding of no navigable water way on the property. The FPO, Floodplain Overlay District will remain.

Jean Werbie:

Mr. Chairman and members of the Plan Commission and the audience, the first public hearing this evening is a final plat, engineering plans, development agreement and related documents for the request of Mark Eberle, who is the engineer with Nielsen, Madsen & Barber, S.C. agent for the properties generally located east of 63rd Avenue and north of STH 165 for the first stage of the Courts of Kensington development including 36 single family lots and three outlots.

The second item for public hearing this evening is consideration of the zoning map amendment. It is for the same property and it's to rezone the field delineated wetlands within Outlot 2 into the C-1, Lowland Resources Conservancy District; to rezone the Outlot 1 and the non-wetland areas in Outlot 2 into the PR-1, Park and Recreational District; and to amend the shoreland boundary as a result of the Wisconsin Department Natural Resources finding of no navigable waterway on the property. This would be at the very northeast corner of the property. The Floodplain Overlay District will remain on the property at this time.

As you indicated, the items are related. We'll be holding these two public hearings together but separate action would be required on each item.

Again, the name of the subdivision is the Courts of Kensington Subdivision generally located north of STH 165 east of 63rd Avenue. Some background information under the Village's Comprehensive Plan compliance. In accordance with the Village Comprehensive Plan, the Highpoint Neighborhood, which is where this development is proposed to be located, is classified as being within a Lower-Medium Density Residential land use category which requires lot areas in the neighborhood to average between 12,000 to 18,999 square feet or more per dwelling unit. This allows for areas of the neighborhood to have larger lots while some areas to have smaller lots,

On January 27, 2007, the Plan Commission held a public hearing and approved Highpoint Neighborhood Plan Alternative #1, and on March 12, 2007, the Plan Commission held a public

hearing and approved Highpoint Neighborhood Plan Alternative #2 as shown on the slide. The Courts of Kensington proposed Conceptual Plan that was also approved by the Plan Commission and the Board complies with the Comprehensive Land Use Plan of the Village as well as both of the approved Highpoint Neighborhood Plans.

A total of 0.31 acre of the site has been field delineated as wetlands by Wetland and Waterway Consulting, LLC on February 17, 2005. Peggy is identifying that for you now. They were approved by the Wisconsin Department of Natural Resources on April 5, 2005. The Developer has decided not to pursue the filling of these wetlands at this time, therefore the lots surrounding the wetland area have been reconfigured and the wetlands are now located in a separate outlot as required by the May 21, 2007 Conceptual Plan approval.

Under the Courts of Kensington Development, on August 6, 2007 the Village Board approved Resolution #07-45 to approve the Preliminary Plat to develop the approximate 83 acre property into 119 single family lots and seven outlots with lots meeting the minimum requirements of the R-4 Single Family District. Approximately 14.6 acres or just under 18 percent of the entire site is proposed to remain as open space. The open space within the development includes 1.16 acres of public park, approximately 0.31 acres of wetland, and just under 3 acres of 100-year floodplain and 10.5 acres of other open space.

Before you this evening is the final plat which is for Stage 1 of the Courts of Kensington residential development. With this stage they are proposing to generate 36 single family lots and 3 outlots. Outlots 1 and 2 are proposed to be dedicated to the Courts of Kensington Homeowners Association, Inc. for stormwater drainage, retention basin, access and maintenance. Outlot 3 is proposed to be retained by the developer for future development pursuant to the preliminary plat, and that was approved by the Village Board on August 6, 2007.

The single family lots within Stage 1 range in size from 15,150 square feet, which is just over a third of an acre, to 45,383 square feet which is just over an acre in size. The average lot size is just under 21,000 square feet. Each of the lots meets or exceeds the minimum requirements of the R-4 District which requires each lot to be a minimum of 15,000 square feet with 90 feet of frontage on a public road. Stage 1 of the development provides for a net density of 2 units per net acre.

Under the population projections for this development, it's estimate that at full build out, that's when both Stages 1 and 2 are developed, there would be 199 dwelling units or a total of 325 persons, 75 school age children or 50 public school age children. Now, for Stage 1 this evening, they are proposing 36 dwelling units which would result in approximately 98 persons or 23 school age children or 15 public school age children. Again, this information is based on the year 2000 census as well as the percentages that are given to us by Kenosha Unified School District for the Village of Pleasant Prairie.

The second item is the zoning map amendment. The properties are currently zoned R-4, Urban Single Family Residential District. A Zoning Map Amendment is proposed at this time to rezone the field delineated wetlands in Outlot 2 into the C-1, Lowland Resources Conservancy District, to rezone Outlot 1 and the non-wetland areas in Outlot 2 into the PR-1, Park and Recreational District, and to amend the shoreland boundary as a result of the Wisconsin DNR finding of no navigable waterway on the property pursuant to the December 26, 2006 and September 13, 2007 determination letters from the Wisconsin DNR. In addition, the floodplain on the site at this time will remain unchanged.

Open space within Stage 1 of the development includes wetlands, other open space, as well as floodplains. Under wetlands, as I indicated, .31 acre as been field delineated and has been identified and is proposed to be rezoned. Under other open space, approximately 7.57 acres of other open space is located within Outlots 1 and 2 and will remain as open space and will be used to accommodate the storm water retention facilities for Stage 1 of the development.

In addition, along Highway 165, along the north side of 165, there will be a 35 foot wide dedicated landscape, access and maintenance easement. In this area, the developer will be constructing some landscaping, undulating berms, as well as some plantings that eventually will be maintained by the homeowners association. A detailed tree survey was completed on the site and was shown with the Conceptual Plan. The plan indicates that some trees larger than 8 inches are proposed to be removed to accommodate the roadways, and the trees greater than 8 inches in diameter on Lots 4 through 9, 12 and 13 are proposed to be preserved. Pursuant to the tree survey a number of trees proposed to remain are in somewhat poor condition and a number of trees in fair condition, however those trees will remain at this time until they are completed with respect to the construction of the public improvements in the subdivision.

There was some discussion, I think there were three trees, one on the main entrance road on 62<sup>nd</sup> Avenue, the west side, as well as the cul-de-sac area coming in. It's 62<sup>nd</sup> Court, and there's one, two and another one. Those particular trees are located so close to the public road right of way that retaining walls, either stone, concrete or some other type of retaining walls, would have needed to be installed inside the public right of way in order to protect them during construction and in order for them to survive during that type of activity. In discussing this with the public works department, they are extremely concerned and recommended against those trees remaining there because to put any type of concrete wall, retaining wall of any type within the public right of way would be dangerous for future maintenance of not only the road but snowplowing and other activities that the Village has within the right of way. So there might be three additional trees that will likely be removed.

With respect to the 100 year floodplain, as you can see on the slide in the bluish area, there is approximately 9.88 acres of the site within Outlot 3 that is located within the 100 year floodplain. As noted, Outlot 3 will be retained by the Developer for future development. Pursuant to the Preliminary Plat approved by the Board on August 6, 2007 no lots shall be located within the 100 year floodplain; therefore, the Developer is pursuing a floodplain boundary adjustment. The location of the 100 year floodplain can be changed pursuant to the Village Zoning Ordinance and if approved by the Wisconsin DNR and FEMA they are allowed to do it provided that they create the same or greater amount of floodplain storage on the site or the property.

The Developer has submitted detailed information related to the floodplain boundary adjustment to the Village. The Village has reviewed this information and has sent a copy to the Southeastern Wisconsin Regional Planning Commission or SEWRPC for their review since SEWRPC prepared the original computer models for the Des Plaines River Watershed study. Once the boundary adjustment has been approved by SEWRPC, then these copies along with the application and the maps need to be forwarded to the Village for official action by the Village Plan Commission and the Village Board. This information will then be forwarded onto FEMA and the DNR as well to make sure we have their concurrence. What the developer will be seeking is a CLOMR or a conditional letter of map revision from FEMA. And once they receive

that document then they can commence any type of site grading. Once they finish then they'll finalize the process with us and get a final letter of map revision from FEMA.

Under public improvements, STH 165 or 104th Street is classified as a State trunk highway or an arterial highway. The Wisconsin Department of Transportation or WIDOT is finalizing a Corridor Study of Highway 165 extending from Highway 31 to Highway 32. This study indicates the amount of right-of-way needed for future expansion of the highway and it also identifies restricted roadway access. The access and the proposed 80 foot right-of-way dedication shown on this plat for Highway 165 are based on the available information as provided by DOT.

In addition, the developer will be responsible for the paying for their fair share of widening Highway 165 to an urban profile including the cost for improvements to various intersections impacted by the development along Highway 165. That particular estimate is at \$1,000 per residential unit. Again, that does not include the work that they need to do at that intersection as well as part of this development. This fee shall be paid to the Village prior to or at the closing or transfer of the lots to any new owner or entity, or issuance of a building permit, whichever occurs first. WI DOT approval is required because they will be getting and the Village will be getting the access permit for the public road from the DOT.

A public roadway connection is proposed to be removed at 63<sup>rd</sup> Avenue and Highway 165 as noted by Peggy on the slide. A new public roadway connection is proposed at 62<sup>nd</sup> Avenue and Highway 165 as part of the corridor study and the Highpoint Neighborhood Plan work that was completed. The new intersection would be approximately 1,450 feet from the center line of the intersection of the proposed 65th Avenue and approximately 740 feet from 59<sup>th</sup> Avenue. The proposed 62<sup>nd</sup> Avenue would align with the future 62<sup>nd</sup> Avenue on the south pursuant to the Lakewood Neighborhood Plan. The street address for the property located at 6131 104<sup>th</sup> Street would need to be changed to 6207 104<sup>th</sup> Street as a result of this roadway connection. This address correction will be initiated by the Village staff for consideration by the Village Board.

The entire development shall be serviced by municipal sanitary sewer, water and storm sewer, as well as public roadways with curb and gutter. In particular municipal water will be extended into the development from 100th Street and 64th Avenue. It will be extended within 63rd Avenue and throughout the development and connected to the municipal water system in STH 165. Municipal water must be extended in all roadways to the property boundaries.

Municipal sanitary sewer will be extended into the development from STH 165 on the south, 63rd Avenue and 100th Street on the west. Municipal sanitary sewer must be extended in all roadways to the property boundaries. However, the entire site cannot be serviced by sanitary coming north from Highway 165. A portion of the site, which is the Stage 2 development area, will be required to be serviced by sanitary sewer from 93rd Street. This will allow the Village to abandon the existing sanitary sewer lift station at 100th Street and 63rd Avenue. An easement is going to be provided in the Stonebridge West development in order to accommodate the extension of sanitary sewer from that development into Stage 2 of Kensington.

Municipal storm sewer must be extended in all roadways to the property boundaries. The storm sewer system for Stage 1 will outlet into retention basins located within Outlots 1 and 2. The developer's engineer has evaluated the development site, based on actual field conditions and the Village Engineer has reviewed and approved the storm water management facility plan for the Stage 1 development.

Now with respect to off site improvements to 63<sup>rd</sup> Avenue and 100<sup>th</sup> Street, the developer will be responsible for installing municipal water within 100th Street and 63rd Avenue. A 10-year right-of-recovery may be afforded to the developer for the installation of the water main improvements installed within 63rd Avenue and 100th Street, if, after holding a special assessment hearing the project is approved by the Village Board. The Village Board adopted a Preliminary Resolution on August 20, 2007 and will hold the required public hearing once actual costs for such improvements are provided. Water connection in 63<sup>rd</sup> Avenue is not mandatory, in either 63<sup>rd</sup> Avenue or 100<sup>th</sup> Street. The adjacent property owners would be required to pay the special assessment costs only if they choose to connect to the municipal water system or if any new homes are constructed or if a land division is proposed in which case the special assessment will be required to be paid prior to the recording of any plat or certified survey map. A special assessment public hearing will be held by the Village Board related to these pending costs prior to the approval of the final plat for Kensington.

The developer shall also be responsible for improving 63rd Avenue into a full urban profile roadway with curb and gutter, storm sewer and roadway improvements, removing the 63rd Avenue connection to STH 165 and installing the required cul-de-sac. The developer will be required to remove the pavement, to grade, top soil, plant and restore the area between the new 63rd Avenue cul-de-sac and STH 165. The developer will be responsible for obtaining any sloping easements needed on the west side of 63rd Avenue and relocating any driveway and driveway approaches to the existing homes on 63rd Avenue. These public improvements shall be installed pursuant to the Village specifications. The developer shall install granular backfill within 63rd Avenue so that the Phase 1 and 2 public improvements can be installed during the first construction year of The Courts of Kensington for minimum disruption to the existing property owners on the west side of 63rd Street.

The Village will not require that the developer improve 100th Street to a full urban profile roadway unless the adjacent property owners request for this improvement and agree to pay for a special assessment or they'd like to enter into a separate agreement with the developer to pay for these costs up front. At this point, or at least at the time of the preliminary plat, I believe that the property owners abutting 100<sup>th</sup> Street had not indicated that they would like to pursue any additional improvements to 100<sup>th</sup> Street at this time.

With respect to construction access, construction access for the installation of public improvements and home construction shall be from 62nd Avenue at STH 165. No heavy construction equipment shall use 63rd Avenue except during and for the construction of 63<sup>rd</sup> Avenue. Under the construction sequence, the developer is proposing to begin mass grading in the fall of 2007 and continue until the ground is frozen. Utility work is proposed to start once the ground is frozen and continue until it is complete or the site becomes too soft in the spring. Improvements within 165 and 63rd Avenue are not proposed to begin until late April or early May, 2008. The developer anticipates that the first phase of public improvements is proposed to be completed by June 2008 so that house construction can begin at that time

Under the fiscal review that was completed, police, fire, EMS and public works cost sharing agreement, the developer will be require or whoever is pulling building permits will be required to pay impact fees at the time they want to start construction, but the developer has also agreed to pay a cost sharing agreement to donate an additional \$891 per housing unit as a cost sharing contribution for each of the residential units within the development to address current shortfalls

in funding and fees collected for police, fire, EMS and public works. The referenced \$891.00/per residential unit payment shall be made to the Village each time that a lot sale in the subdivision is closed and the fee interest title of the lot is transferred to a new owner or as a condition precedent to the issuance of a building permit, whichever occurs first. And there will only be one \$891 payment due per lot, not each time that it transfers ownership.

The second item is Highway 165 street transportation improvement cost sharing agreement. The developer has agreed to a cost sharing agreement to provide transportation improvement funds payable to the Village for the costs associated with transportation improvements to improve and widen Highway 165 to an urban profile which is estimated at \$1,000 per lot. This is in addition to other improvements that he's required to make at that intersection of 62<sup>nd</sup> Avenue and 104<sup>th</sup> Street. Again, these payments, the \$1,000 per residential unit will be paid to the Village each time that a lot in the subdivision is closed and the fee interest title of the lot is transferred to a new owner or as a condition precedent to the issuance of a building permit, whichever occurs first.

Mr. Chairman, this is a matter for public hearing. Both items on the agenda, both the final plat and related documents as well as the zoning map amendments this evening. In your packets you also have a copy of the development agreement that outlines all of the specific requirements and obligations of the developer as well as the beginnings of the financial security that is going to be required of him. And there was one other document that was included that was handed out for you, and that had to do with the construction related services, and that was for Crispell-Snyder and engineering plan review comments. With that, I'd like to continue the public hearing.

Thomas Terwall:

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

Doug Stanich:

I'm Doug Stanich. I live at 9110 Prairie Village Drive. If there are any questions I'd be more than happy to answer them for you.

Thomas Terwall:

Thank you. Anybody else?

Elizabeth Falcon:

I'm Elizabeth Falcon. I'm at 6021 93<sup>rd</sup> Street. From what I can see from this map that was sent along with the letter, I think that our property adjoins to the north. I'm not sure, but I just assume with all that floodplain, because our land is pretty much all floodplain, not to our liking but I guess that's just the way it is. I'm just concerned that it doesn't get worse, and I want to know what's going to be done. When I moved there 40 years ago we didn't have a sump pump. For 20 years we didn't need a sump pump, and now with all the development over the years, after 20 years we just couldn't stand it, we were getting water in our basement all the time. So it has gotten worse over the years, and I think I have a right to complain about it. I'm wondering what all this development how they're going to curb that so that our floodplain doesn't get worse, that our water on our property which naturally we want to be desirable for somebody to buy won't get to be 100 percent floodplain.



Thomas Terwall:

Good question. Thank you. Is there anybody else? Anybody else? Before I open it up to comments and questions from Commissioners and staff, Mike, do you want to speak to the question Mrs. Falcon raised?

Mike Pollocoff:

Sure. That's a good and legitimate question. The developer through their planning and engineering to this point has identified the existing floodplains that occur, the 100 year floodplain, on their property. The Village has adopted maps that delineate where that is. The reason we did that is so as development occurs we can ensure that new development is not encroaching on that floodplain and narrowing the floodplain or the floodway to make sure water is getting from one point to another faster than it should. So if you were to look at the map up here, we have floodplain that's been identified that isn't managed in that light blue area.

What we've required the developer to do is identify where water is going to be held so that you've got two things that are preserved. You've got the floodplain which you still need to account for the water in the area, and you also have water that's storm water related where you just want to be able to hold water in a storm. That's something right now that you as a property owner or anybody downstream does not have. Typically the soils, especially in this part of Pleasant Prairie where you guys are you've got some topsoil but you also have a significant amount of clay beneath that. The water when it rains it tends to run pretty good.

Whereas the property to the south of you the storm water hasn't been managed to date now it will be managed. There is no question that there's been times over the preceding 30 years as developments occurred probably up until the time the Village became incorporated where there was a lot of in fill subdivisions, certified survey map subdivisions that were created where back in the '60s and '70s there was not even any sewer in that area. So if you think of the land that's south of 165 basically between 59<sup>th</sup> and say 55<sup>th</sup>, at one point that was farmland or something was done there, and as that developed that water pushed out, it went underneath the road, the farmer tiled it over time, got the water off of his field and it went onto your field and that's how you create those problems and move farther down the line.

The same thing has happened north of you at Creekside. That water is now being managed in the detention basins and the floodway over there. So overall I think you're going to see some improvement where you won't have an incremental increase or creep up of the floodplain that you have on your property because it will be managed.

As far as your having a sump pump, there's days I think that could be our logo instead of grass, a sump pump, because it's just the nature of the beast and the soils around here. We've talked to people on a recurring basis in older homes that didn't need sump pumps and after a while they do need sump pumps. I think that's part of two things, one is there's development in the areas, but secondly the perimeter tiles around homes tend to give way and wherever those things drained before they don't drain as well and the water ends up coming through the basement wall.

Elizabeth Falcon:

(Inaudible)

Mike Pollocoff:

I think this will make it better. Just as a reference point, the last big rains we had in August we had about 17 inches in August. We've had a lot of areas in the Village where we've had classic drainage problems where there's always some flooding. In the intervening periods we've had detention basins that have been constructed as part of development and it has reduced downstream flooding significantly in those areas where it's occurred. I have no reason to think that this won't be any different. With the Kensington development, the ultimate Stonebridge development will also have a positive impact. They're in the same situation you are. They're abutting your property and the water is draining to the west onto yours and they're going to have to be able to hold that water on their development without flooding yours. So as time goes on it gets better and hopefully it keeps you, as these improvements are made, whole so that if you want to keep your land the way it is and continue to farm it, or if you eventually want to be able to sell it off for development you're no worse off than you are before these developments start. You should be in a better condition if you have an engineered solution to the water that's coming to your property.

Thomas Terwall:

Question to Jean. Has a copy of Crispell-Snyder's letter been forwarded to either Mr. Stanich or the engineer? Has he seen this?

Jean Werbie:

No, we just received it.

Thomas Terwall:

So I'm not going to put you on the spot and ask you for your comments, but it's something you're going to have to address I think. It doesn't appear to be major issues but they need to be addressed. Question to you, Doug. Is there going to be any provision for percentage of owner occupancy required or are you not going to address that in your covenants.

Doug Stanich:

Obviously that's a very good question. I would say that just the magnitude of the subdivision and what it is represents I don't think you're going to find non owner occupied properties in here because the lots are going to be selling upwards of \$150,000 and by the time you put a house on that of \$300,000, \$450,000 or \$500,000 it wouldn't make sense to be non owner occupied properties. Take care of itself.

Mike Serpe:

A couple of questions. Doug, maybe you can answer these or Mike can answer this. Are we going to create a street light district or are you going to have post lamp requirements? What's the lighting going to be out there other than the entrance to the subdivision?

Doug Stanich:

We're talking about post lights also and perhaps, and we haven't quite made a decision, but as we did in Prairie Village where we had the garage lights staying on, something like that where they just come on, I think that really lights up a neighborhood nice.

Mike Serpe:

My other questions, and the reason I bring this up is because we had this problem in another subdivision, mailboxes. Are you supplying those or are they going to be supplied by the individual homeowners?

Doug Stanich:

We're going to be requiring that they pay. We're going to have one style of mailbox and at the time we close on a lot to be required then.

Mike Serpe:

Could you describe what that one type of mailbox is going to be and its construction and how it goes in? I don't want to put you on the spot if you're not ready for that.

Doug Stanich:

I can't describe that. We're looking at several different mailboxes but they'll be very nice.

Mike Serpe:

The ones in the other subdivision I'm referring to are very nice also except they're not standing up.

Jean Werbie:

Maybe you just need to make sure they're installed per the manufacturer.

Doug Stanich:

Similar to what we did in Prairie Village, cement them and put them in. I don't think we have any leaning over there. We'll make sure that doesn't happen.

Mike Serpe:

We'll be watching.

Doug Stanich:

I know you will.

Mike Serpe:

One other question. Who is monitoring—is Crispell monitoring the grading and the utilities?

Mike Pollocoff:

We're getting proposals from engineers now to do that and the Board hasn't approved a contract with whoever is going to be the ultimate engineer. But the design reviews are happening with the Village Engineer and Crispell-Snyder as far as the engineering design. So whoever we contract with for the actual inspection and contract management. It could be Crispell or it could be somebody else.

Donald Hackbarth:

Mr. Stanich, I think it's according to this tree survey, but as we walked the property we talked about trees and preservation. It looks as though there are like 13 trees that are going to be in right of ways and things like that that are going to be removed. It looks like 13.

Doug Stanich:

No, I don't think it's 13. It isn't that many. I think there might be 13 that are remaining.

Donald Hackbarth:

My question is there going to be a provision that, like there are some lots that don't have trees on them at all. Would you plant trees on those lots?

Doug Stanich:

We'll have street trees and then we're also going to require that we plan an additional I think it's three deciduous trees per lot. So it will some day be a nice forest.

Wayne Koessl:

Mr. Chairman, as long as trees were brought up, I have to kind of look at that. This is through the Chair to staff. How many of the trees that are 35 percent rotted and those that are in bad condition are going to be in the rear of the lots?

Jean Werbie:

I don't know.

Wayne Koessl:

Because I think if we allow those to remain we're doing a disservice to the property owners, because in a few years they're going to have to be removed, and the lot's going to be all landscaped and they're going to have things there. And now they're going to have to get a contractor to walk in and climb those trees and cut them down and drag them out to the street. That's going to be an expensive process. I think any tree that's in that condition should be clear cut before the houses are built.

Donald Hackbarth:

I think we did that when we walked it. We discussed that.

Wayne Koessl:

How many are in the rear lot lines in the rear of the houses?

Doug Stanich:

There are a couple of trees along the side lot lines but I don't think there's anything to the rear except those along 165. There are one or two trees along 165 that will be removed. And the ones that are on the side lots look very, very good. There are a couple up front that may have some question. I know it's a concern with the Village as far as plowing and those are the three trees I think they alluded to that may need to be required be removed.

Wayne Koessl:

I know Peggy did a real in depth survey of the trees out there. I didn't bring my copy with. I was just curious if there were any of those that are in bad condition that were going to be in the rear of the houses.

John Braig:

With the removal of 63<sup>rd</sup> Avenue connection to Highway 165, that intersection would no longer qualify by Village standards for a street light at that intersection. Has that been addressed?

Jean Werbie:

Already taken care of and on the engineering plans.

John Braig:

Thank you.

Mike Serpe:

With reference to mass grading, Doug, that's quite a large parcel. The dust control will be as best you can during that time?

Doug Stanich:

Yes, it will be.

Mike Serpe:

The prevailing winds, my house is—

Doug Stanich:

Going in your direction.

Mike Serpe:

Exactly.

Doug Stanich:

Enjoy the dust.

Thomas Terwall:

If it gets as far as your house, Mike, it's damn windy. What's your pleasure?

Judy Juliana:

Move to approve.

Mike Serpe:

Second.

Wayne Koessl:

Mr. Chairman, should we have Jean make a comment?

Jean Werbie:

I just wanted to mention that what we'll do is at the preconstruction meeting we will talk specifically about the trees, and his project engineer has been very good about when they get through the process and they start initial construction and before they finish first phase of required public improvement construction to have the staff out there periodically to look at specific trees and make recommendations as to whether or not they can be kept or not kept or they should come down. So we've done that throughout the process with another project in the Village with this engineer and we will do the same with this one.

Thomas Terwall:

We need a motion then first of all to send a favorable recommendation to the Village Board to approve the final plat.

Judy Juliana:

Move to approve.

Wayne Koessl:

Second.

Thomas Terwall:

**MOVED BY JUDY JULIANA AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE FINAL PLAT, ENGINEERING PLANS, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM AS WELL AS THE LETTER RECENTLY RECEIVED FROM CRISPELL-SNYDER. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Item B, then, public hearing and consideration of a zoning map amendment. We need a motion to send a favorable recommendation.

Judy Juliana:

Motion to approve.

Wayne Koessl:

Second, Mr. Chairman.

Thomas Terwall:

**MOTION BY JUDY JULIANA AND A SECOND BY WAYNE KOESSL 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.

**C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request Lance Skala of CenterPoint Properties to correct the zoning map for the properties generally located south of 104th Street and west of IH-94 within the PrairieWood Corporate Park. The petitioner is requesting to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District; to rezone the non-woodland area in the central portion of the site from C-2, Upland Resource Conservancy District to M-1, Limited Manufacturing District; and to rezone the southern portion of the site that is currently zoned C-1, Lowland Resource Conservancy District that is not wetlands into the C-2, Upland Resource Conservancy District. The FPO, Floodplain Overlay District will remain unchanged on the properties at this time.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a public hearing for consideration of a zoning map amendment at the request Lance Skala of CenterPoint Properties to correct the zoning map for the properties generally located south of 104th Street and west of I-94 within the PrairieWood Corporate Park. The petitioner is requesting to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District; to rezone the non-woodland area in the central portion of the site from C-2, Upland Resource Conservancy District, to M-1, Limited Manufacturing District; and to rezone the southern portion of the site that is currently zoned C-1, Lowland Resource Conservancy District that is not wetlands and putting it into the C-2, Upland Resource Conservancy District. The FPO, Floodplain Overlay District will remain unchanged on the portions of the properties at this time until they complete their floodplain boundary adjustment process.

The petitioner is requesting to correct the zoning map for the properties generally located south of 104th Street and west of I-94 within the PrairieWood Corporate Park. Specifically, as I mentioned the zoning map amendment proposes to rezone some wetlands that have been field delineated and placing them into the C-1 District; to remove areas that are not upland woodland that are currently zoned C-2 and placing it into the M-1 District; and then to rezone some C-1 area that has no wetlands and putting it into the C-2 District. There is a large exhibit on both the slide as well as the board that describe these changes as presented to us.

This triangle area that is in the central portion of the development was based on a long ago neighborhood plan that had been prepared. When we made some site visits out there in looking at the aerial photos there are no woodlands there. There are no uplands. There's not even any bushes there. So this is actually an area that we are recommending be pulled out of the C-2 and placed into the M-1 similar to the balance of the land in Prairiewood.



Then we've got some situation down here in the southern portion of the site where there's some field delineated wetlands that we want to place into that category. The area that's not C-1 we want to put into the C-2 area. Again, the floodplain stays as it is on the particular property. So this is a matter for public hearing. It's more or less a correction of the mapping based on actual environmental conditions that exist on the site today.

Thomas Terwall:

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

Donald Hackbarth:

So approve.

Wayne Koessl:

Second, Mr. Chairman.

Thomas Terwall:

**IT'S BEEN MOVED BY DONALD HACKBARTH AND SECONDED BY WAYNE KOESSL 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.

**D. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to consider an amendment to Sections 420-105 F. (7), 420-106 F. (7), 420-107 F. (7), 420-108 F. (7), 420-109 F. (7), 420-110 F. (7), 420-111 F. (7), 420-112 E. (4), 420-113 F. (5), 420-114 F. (4), 420-115 F. (4) and 420-116 F. (4) 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:

Mr. Chairman and members of the Plan Commission, this is a public hearing for a zoning text amendment. This is to consider an amendment to Sections 420-105 F. (7), 420-106 F. (7), 420-

107 F. (7), 420-108 F. (7), 420-109 F. (7), 420-110 F. (7), 420-111 F. (7), 420-112 E. (4), 420-113 F. (5), 420-114 F. (4), 420-115 F. (4) and 420-116 F. (4). This is the same section in all of the districts R-1 through R-11, the residential district section of our zoning ordinance. And it specifically relates to a provision pertaining to length of eaves on dwellings and the Zoning Administrator's approval authority related to the reduction of even lengths.

I'm not going to re-read all those sections again, so what I'm about to say is that currently the single-family and multiple-family residential district except for the R-12 which has no eve length requirements, provides for design standard sections in the zoning ordinance. And the way the ordinance reads today is that the main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot.

Occasionally, the Village staff receives a single-family dwelling permit application that do not meet the required minimum one foot main roof eave length as required by the single-family and multiple family residential zoning districts design guidelines. The Village staff recognizes that there are certain single-family and multiple-family residential dwelling designs that are architecturally and aesthetically pleasing and they are attractive in appearance and function properly, but may not meet the required minimum one foot main roof eave length.

So what the staff is recommending is that that one foot eve provision remain, however that the Zoning Administrator have the discretion on a case-by-case basis to look at the housing design to see if it can be modified. I'm not sure if Peggy scrolled through all of the different house designs, but we found numerous house designs that are very attractive in appearance but they don't have that minimum one foot eve design. So the purpose of this hearing is to give some flexibility to the Zoning Administrator, myself, in order to make some accommodations and to reduce that to six inches, four inches, two inches or no eve overhand at all, just to vary it from the one foot.

Again, there have been a number of them that originally came to the Village in the past and we said no, they have to be one foot and they redesigned their home. And we've had a couple of them pop up recently that they're very attractive homes actually being proposed down in Carol Beach, and there should be no reason why these home designs should be compromised with respect to their architectural appearance because of this provision. So the purpose of this particular item is to request some flexibility for the zoning administrator as opposed to requiring the applicant to go to the Village Zoning Board of Appeals and seek for a variance of this eve requirement. So with that this is a matter for public hearing.

Thomas Terwall:

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

John Braig:

I have a concern with the wording regarding the minimum roof pitch 4:12. That eliminates any flat roof. Is that the intention?

Jean Werbie:

Yes. That was part of the design guidelines that the Plan Commission had approved a number of years ago.

John Braig:

There are many houses in the Village with a flat roof, obviously some minor pitch for storm drainage, but it is essentially a flat roof.

Jean Werbie:

There are no new homes?

John Braig:

Architecturally it's desirable to have it.

Jean Werbie:

If that is your desire for the Zoning Administrator on a case-by-case basis to take a look at that we certainly can. Again, we did not encourage as a regular architectural style a flat roof appearance because they are more difficult to maintain and they do have a tendency to fail unless you've got the proper membrane structure on the roof.

John Braig:

Basically you're eliminating Frank Lloyd Wright designs.

Jean Werbie:

It hasn't been an issue up to this point, but if you would like for the Village Zoning Administrator to have some flexibility with respect to that—

Mike Serpe:

I was just going to suggest that.

Jean Werbie:

—I have no problem with that, but it's not included in this hearing item tonight.

Mike Serpe:

If somebody comes forward with a design that calls for a flat roof, I think the Zoning Administrator should have that flexibility to approve that.

John Braig:

I think that would be acceptable. In today's world with the rubber membrane roofing it's not the problem that it once was with the hot tar roof.

Thomas Terwall:

I would ask that that be brought back because we're not going to discuss that tonight nor are we going to give you that authority tonight.

Wayne Koessl:

I would move approval.

Donald Hackbarth:

Jean, how does this impact mobile homes?

Jean Werbie:

It doesn't because that is the district that is expressly excluded from these particular design standards.

Mike Serpe:

So the motion is to approve as is and they can bring back an amendment to this at another time.

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 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. Consider the request of Lance Skala of CenterPoint Properties for approval of the Preliminary Site and Operational Plans for the mass grading of properties generally**

**located south of 104th Street and west of IH-94 within the PrairieWood Corporate Park.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission and the audience, this is the request of Lance Skala of CenterPoint Properties for approval of the Preliminary Site and Operational Plans for the mass grading of properties generally located south of 104th Street and west of I-94 within the PrairieWood Corporate Park.

The petitioner is requesting Preliminary Site and Operational Plan approval to commence the mass grading for the properties generally located within the Corporate Park. The mass grading includes grading activities required to complete the amendment to the 100-year floodplain for the future PrairieWood Corporate Park as conditionally approved by the Village Board on July 16, 2007 by Resolution #07-43.

The proposed grading improvements to the PrairieWood Corporate Park site is identified as Tax Parcel Numbers 91-4-121-252-0102 and 0201 owned by CenterPoint Properties Trust, as well as the Village of Pleasant Prairie CDA site identified as Tax Parcel Number 91-4-121-251-0141, and the Jockey International site identified as Tax parcel Number 91-4-121-251-0300. These properties are needed to be graded in order to relocate existing floodplain and to allow for future development. The Floodplain Boundary Adjustment that was previously approved allowed for the removal of floodplain and the creation of additional floodplain elsewhere on the site to compensate for the filled subject properties.

The proposed improvements include the construction of a bypass swale and pond along the west project limits that is designed to intercept contributing off-site stormwater runoff prior to entering the existing floodplain, the construction of three ponds and a conveyance ditch located in the central area of the project site which features storage volumes greater than the existing floodplain, and the completion of miscellaneous grading efforts to provide sheet drainage into the proposed ponds. These three proposed ponds and conveyance ditch have been sized pursuant to the PrairieWood Corporate Park stormwater management plan for a full build-out scenario in compliance with the Des Plaines River Watershed standards.

The Village staff recommends approval of the preliminary site and operational plans for the mass grading related to the floodplain boundary adjustment subject to the comments and conditions outlined in the staff memorandum.'

Thomas Terwall:

Comments or questions gentlemen, ladies?

Mike Serpe:

Move approval.

Wayne Koessl:

I'll second subject to the conditions outlined by staff.

Thomas Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO APPROVE THE PRELIMINARY SITE AND OPERATIONAL PLAN 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.

**F. Consider the request of Michael Zacker, agent, on behalf of Jerome & Joan Soens, owners, for a Certified Survey Map to subdivide the property located at 8123 Cooper Road.**

Jean Werbie:

Mr. Chairman this is a request from Michael Zacker, agent, on behalf of Jerome & Joan Soens, owners, for a Certified Survey Map to subdivide the property located at 8123 Cooper Road.

In order to facilitate potential future development of this property and the surrounding area, the petitioner is requesting a Certified Survey Map approval, which would divide the long, narrow, approximate 114 foot by 870 foot tax parcel into four tax parcels including the dedication of two public road right of ways. The tax parcel is identified as 91-4-122-113-0040.

First, I'd like to give some background information with respect to the neighborhood plan. This project or parcel is located within the Lance neighborhood. The requested CSM is in accordance with the August 9, 2004 Plan Commission-approved Neighborhood Sketch Plan-Alternative A for an approximate 10 acre infill portion of the Lance Neighborhood, generally located north of 83rd Street, south of the Village-City boundary, east of Cooper Road, and west of 48th Avenue as shown on the slide. It's highlighted in blue for your reference. As you can see, the neighborhood plan is underneath that shows the extensions of 49<sup>th</sup> and 50<sup>th</sup> Avenues and then they circle back in and then they connect eventually to 83<sup>rd</sup>.

On August 9, 2004, the Plan Commission conditionally approved a comparable CSM for Eugene Soens, CSM #2453, the property owner to the immediate north. Similar to this CSM, the CSM back then created four lots, three of which are not yet developable, and dedicated the southerly extension of the two public roads, 49<sup>th</sup> Avenue and 50<sup>th</sup> Avenue.

This CSM this evening is one presented by Jerome and Joan Soens. The approximate western one half of the property from Cooper Road to the east right-of-way line of 50th Avenue extended is zoned R-5, Urban Single-Family Residential District. The approximate eastern one half of the property from the east right-of-way line of 50th Avenue extended to the east property line is zoned R-6, Urban Single-Family Residential District.

Pursuant to the regulations for the R-5 District, lots are required to have a minimum of lot area of 10,000 square feet and a minimum lot width of 75 feet. The minimum street, rear and side setbacks for a house in the R-5 District are 30 feet, 25 feet and 10 feet, respectively.

Also, pursuant to the regulations for the R-6 District, lots are required to have a minimum lot area of 6,000 square feet and a minimum lot width of 60 feet. The minimum street, rear and side setbacks for a house in the R-6 District are 30 feet, 25 feet and 8 feet, respectively. Pursuant to the Village Land Division and Development Control Ordinance, all lots are to have a minimum lot depth of 125 feet.

According to the Restriction #1 Note on the CSM, Lots 2, 3 and 4 are not and cannot be improved at this time. However, pursuant to the CSM the newly created, unimproved lot will have the required minimum lot widths and lot areas for the respective zoning districts that they're located.

The CSM will dedicate the southerly extension of two public roads, 49th Avenue and 50th Avenue as shown on the slide. These public road dedications also comply with the Plan Commission approved Neighborhood Sketch Plan for a portion of the Lance Neighborhood A.

Lot 1 is proposed 18,156 square feet with 114.31 feet of frontage on Cooper Road, an improved public roadway. According to Village records, Lot 1 is improved with a 1,699 square foot single-family, 1.5-story, brick dwelling constructed in 1927. The house is addressed as 8123 Cooper Road. With the proposed division of the property, the existing single-family dwelling will logically conform in lot depth with the lots to the north along Cooper Road. The existing dwelling will remain a conforming structure insofar as it meets the minimum setback requirements for the R-5 District.

Lot 2 is 15,747 square feet and will have no frontage along an improved road. However, the CSM will dedicate 50th Avenue as a public road right of way but the road will not be improved at this time. Lot 2 will be considered not developable pursuant to Restriction #1 as shown on the CSM. Additionally, the CSM depicts the presence of two detached garages on Lot 2. The Zoning Ordinance does not allow for the presence of accessory structures on a lot without the principal structure being there first. As noted on Sheet One of the CSM, these garages are to be removed. The two detached garages will need to be razed/removed within 180 days of Village Board CSM approval. Razing permits are required to be obtained from the Village prior to demolition.

The proposed Lot 3 is 32,966 square feet and will be a through lot in that it is located between the publicly dedicated, but unimproved, 49th and 50th Avenues. Similar to Lot 2, Lot 3 will be considered not developable pursuant to Restriction #1 as shown on the CSM. Under the current R-6 zoning regulations, the possibility will exist to further divide Lot 3 into two parcels when the 49th and 50th Avenue public improvements are installed.

Lot 4 is 14,288 square feet and will have no frontage along an improved road. However, the CSM will dedicate 49th Avenue as a public road, but the road will not be improved at this time. Similar to Lots 2 and 3, Lot 4 will be considered not developable pursuant to Restriction #1 as shown on the CSM.

As discussed, since development on the Lots 2, 3 and 4 cannot occur at this time, but rather just the division of the property, Restriction #1 has been added to the CSM. Basically what that states is that without the required public improvements in place and constructed, dedicated, accepted by the Village, those lots will not be considered buildable. Similarly, since it would not be good public policy to install the public improvements in 49<sup>th</sup> and 50<sup>th</sup> Avenues at this time, they will be seeking a deferral of the public improvement statement in accordance with Section 395-32 J. of the Land Division Ordinance from the Village Board because it would not be practical to install those improvements at this time.

Pursuant to a September 13, 2007 email from Roger Koessl of WE Energies, the following Dedicated Public Utility Easements are required:

- A 12 foot wide easement along the north lot line of Lot 3, from 49th Avenue to 50th Avenue.
- A 6 foot wide easement along the total length of the west lot line of Lot 3.
- A 6 foot wide easement along the total length of the east lot line of Lot 4.

Under taxes, assessments and fees, according to Village finance records there are no taxes or assessments that are outstanding on the parent property. There would be a sanitary sewer connection fee which is subject to change for any new connections to the municipal sanitary sewer system. There is a residential impact fee that would also be required at the time of the building permit and, again, that is subject to change depending on when the homes are built.

Finally, there is a potential variance that may need to be required. A variance from the Village Board may be required for future construction of the public roads, because we'll have a 60 foot wide right of way instead of the minimum 66 foot wide right of way as required by the Village's ordinance. As you can see, what we're doing is recommending that there be an extension of the same right of way width from the City of Kenosha down into this area and that would be identified at 60. If it is increased I believe to 66 I think we have another problem because the lots would not have the minimum lot depth as required which is 125 feet. So when we first started approving the CSM's in this area we had indicated that it would be best to try to keep the right of way similar from one community to another and not create nonconforming lots. With that, this is not a matter of public hearing but the staff does recommend approval subject to all the comments and conditions as outlined in the staff memorandum.

Thomas Terwall:

I have a question. If Lot 2 is not going to be buildable until such time as the road goes in, why would you create it now? Why not leave Lots 1 and 2 combined then those garages would be legal, wouldn't they?

Jean Werbie:

I think that possibly, and we'd have to ask the property owners but maybe they would like to convey or sell that front property and they can't do that if it's all as one if they want to retain the second part for future development when and if they want to develop this as a subdivision in the back because it's under multiple ownership.



Thomas Terwall:

They can hold Lot 2 even though there's no access?

Jean Werbie:

As long as it's been identified on the CSM that they're not buildable lots that have been created and they can't be buildable until such time as public improvements are extended in that area, and the Village Board agrees to the deferral of special public improvements based on what they've done previously.

Thomas Terwall:

Is the petitioner present or their agent or representative? No.

Tom Shircel

I did call the petitioner this morning to remind him . . . (inaudible).

John Braig:

I was under the impression that you could not create or subdivide land unless there was road right of way associated with it.

Jean Werbie:

On a case-by-case basis the Plan Commission and the Board have the authority to create those parcels as long as there's a deferral of improvements restriction placed on the certified survey map so anyone purchasing these lots knows that they are, in fact, not buildable, and secondly that the Village Board approves the deferral of public improvements due to the practicality of trying to install them in the middle of a field without the completion of this entire area.

Wayne Koessl:

Mr. Chairman, this is a kind of unusual parcel of land that's being developed because of the neighborhood plan around it and the road configuration. I know we did the neighborhood plan but I forget how the roads are going to end up coming out of there. Do you have a copy of that?

Jean Werbie:

That's shown on there. I don't know if you can see it. 50<sup>th</sup> Avenue comes down to the south and then curves to the east, and then 49<sup>th</sup> Avenue comes to the south and then eventually connects to 83<sup>rd</sup> Street. Again, all of those parcels have been under different ownerships, so what they're attempting to do is acquire one after the other. We've already approved the previous one.

Thomas Terwall:

Where do those avenues terminate now, Jean?

Jean Werbie:

They're right at the City/Village boundary line. The dark line right here is the City/Village boundary.

Thomas Terwall:

And that first parcel south of the City limits is that right of way dedicated there?

Jean Werbie:

Yes, and we approved that about a year ago, the Village did, the Plan Commission and the Board.

Thomas Terwall:

So there's really nothing to stop the extension of both 49<sup>th</sup> and 50<sup>th</sup> Avenues right today, correct?

Jean Werbie:

Correct.

Wayne Koessl:

Thank you, I see the configuration now. Thank you.

Jean Werbie:

I mean the next property owner whoever that might be.

John Braig:

The properties to the south of this parcel in question has not been divided comparable to this division has it?

Jean Werbie:

Not yet.

Thomas Terwall:

A question to Tom. Mr. Shircel, with your discussion with Mr. Zacker was he told to be here tonight?

Tom Shircel:

Yes, he was.

Thomas Terwall:

Did he say he wasn't going to be able to be here?

Tom Shircel:

Like I said, I did call Mr. Zacker this morning and left him a voice mail message, I did not talk to him directly, to be here as a representative and he's not here. Peggy can go to the next slide I believe and it shows what the Plan Commission and the Village Board approved a few months ago. The Eugene Soens is in the red, same comparable land division. Now Jerry and Joan Soens are coming forward with what you see in blue there which is what you're considering tonight. So, yes, the agent was contacted and he's not there.

Donald Hackbarth:

So you're saying to me the purple or the red that already is zoned and already divided?

Tom Shircel:

Yes, correct.

Donald Hackbarth:

What I'm saying is that purple piece of land would there be anything holding back additional roadway coming south on both of those two roadways? Because what good is the blue portion if the road access can't go to the other person's property, the person in purple?

Tom Shircel:

Correct. I think what's happening here is Mr. Zacker, the agent, is trying to conglomerate these lands together by doing these CSMs, and he's looking to some day develop that ten acre site that the neighborhood plan shows, if Peggy goes back a few slides, where the dashed lines are, that in fill portion of the Lance neighborhood he's trying to develop that, Mr. Zacker is. So he's trying to work it seems to be from the north southwards and when he gets a willing property owner to divide these properties the way you see today.

Donald Hackbarth:

Tom, one question. That thin piece, that red piece, how wide would that be as far as the road? Could anything be built on that little skinny piece? Is there enough width there for the road to build a house on that?

Tom Shircel:

I don't believe there is and that was addressed in that first CSM. These properties would then have to be combined together and then redivide it again to get the proper lot width.

Donald Hackbarth:

What I'm saying is what would the incentive be for the gentleman that owns the red property to allow a road to go through his property if there's nothing he can do with it?

Tom Shircel:

The incentive is that Eugene and Jerry Soens are brothers I believe. They want to sell—

Donald Hackbarth:

That doesn't make any difference.

Tom Shircel:

They want to sell this property to Mike Zacker I believe for him to develop it sometime in the future. Jean was correct when she said in the blue area, the one you're considering tonight, the idea is to keep the house on Lot 1 as you see and that house is then going to be lived in yet by the Soens, and then the Soens are going to sell it I believe to Mr. Zacker the remainder of the property.

Wayne Koessl:

Now that the road configuration has been enlightened in my mind, I'm going to move approval.

Mike Serpe:

I'll second that.

Thomas Terwall:

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

Voices:

Aye.

Thomas Terwall:

**OPPOSED?**

**VOICES:**

**AYE. – TOM TERWALLL & JOHN BRAIG**

Thomas Terwall:

Four to two. Mr. Shircel you may want to contact Mr. Zacker and tell him it passed tonight on a four to two vote, but in the future I would recommend that he be here or some representative be here.

Tom Shircel:

Will do.

**G. Consider the request of Jeffrey Bond of Gordon Food Service, Inc., for a second extension of the original September 25, 2006, Plan Commission Site and Operational Plan conditional approval for the Gordon Food Service Marketplace to be located at 6905 75th Place.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission and the audience, the petitioner is requesting a second extension of the Gordon Food Service Marketplace, GFS, conditionally approved site and operational plans pursuant to the GFS letter dated September 10, 2007. They originally received site and operational plan approval for the Gordon Food Service Marketplace to be located at 6905 75<sup>th</sup> Place in the Village. This is just south of or right behind Chili's Restaurant in Pleasant Prairie.

As some background information, the original site and operational plan, on September 25, 2006, the Plan Commission conditionally approved the Site and Operational Plans for GFS to be located at 6905 75th Place identified as Tax Parcel Number 91-4-122-102-0352). Pursuant to that approval on October 5, 2006, the Village staff sent the corresponding approval letter notifying the petitioner, Mr. Bond, Real Estate Manager for GFS, of the conditional approval.

First Site & Operational Plan Extension on April 9, 2007 the Plan Commission approved a six month or 180 day extension of the original conditional GFS Site and Operational Plan approval subject to the terms and conditions of the original September 25, 2006 Plan Commission approval. The first site and operational plan extension will expire on October 6, 2007.

Their second request this evening, on September 11, 2007, the Village received a letter dated September 10, 2007 from Mr. Bond requesting a second extension for the GFS Plan Commission conditionally-approved site and operational plans. As the letter states, the reasons for the extension request is due to rapid growth of GFS in other U.S. regions, particularly the mid-south area, where GFS is constructing a new distribution center near Louisville, Kentucky. Therefore, the growth in the mid-south has delayed GFS siting and construction plans to develop a new distribution center in the metro Chicago-area which would service GFS stores in southeast Wisconsin. Without a Chicago-area GFS distribution center, southeast Wisconsin stores would need to be supplied by the GFS Grand Rapids, Michigan distribution center, which is less than ideal due to the distance involved.

GFS continues to seek GFS Marketplace store sites in southeast Wisconsin and expects to develop these approved properties when the distribution supply issues are resolved. Until these distribution issues are resolved, GFS is unable to begin development of the site within the

timeframe of the current Village approvals. Once the issue of locating a Chicago-area distribution center is resolved, GFS will be able to put together a timetable for the development of the Pleasant Prairie GFS site and a second Site and Operational Plan extension would accomplish this goal.

Given the above reasons and with the first site and operational plan extension set to expire, the Village staff recommends a six month extension, to April 6, 2008, of the conditional GFS site and operational plan approval subject to all the comments and conditions as outlined. We do have a representative here from GFS if you have any questions.

Thomas Terwall:

Did you wish to speak, sir?

Jeff Bond:

Thank you, good evening. My name is Jeff Bond, real estate manager with Gordon Food Service. My address in Grand Rapids is 420 50<sup>th</sup> Street, 49501. I was here in April about five months ago for this first extension. What's occurred here is that when we initially started looking for sites in Southeast Wisconsin, we had plans to develop a new distribution center in northwest Indiana. It was near Crown Point, so that was going to be able to service most of Illinois and a good part of Wisconsin. In the meantime, we acquired a smaller distributor, wholesale distributor in eastern Kentucky that had distribution centers in London, Kentucky and out in Martin, Tennessee, and they serviced a good part of the mid south. We've had a lot of growth in that area and we consolidated those two old kind of archaic distribution centers into a new state of the art DC just south of Louisville. That's been opened for probably six to eight months and we've enjoyed continued expansion both on the wholesale side of the business, that's where our trucks deliver directly to the customer, and also in our store business where we have the retail business.

What has happened, then, is that with continued growth here in the Midwest, our Grand Rapids distribution center is operating at or near capacity. And what's occurring is that in Southeast Wisconsin here we have not been able to achieve the service levels that we normally like. We like to be able to promise next day delivery for items on the wholesale side, and also to achieve that in the stores. As the wholesale trucks are coming up into the area, they can drop off special orders. The best we can deliver right now is skip day which is every other day delivery. If you order today we wouldn't be able to get it to you until Wednesday afternoon. So the service levels haven't kept pace with our expansion in the wholesale business here in Southeast Wisconsin. With that, then, we don't want to get the stores into a position where we can't offer that next day service to a customer that's ordering a special product. So we've held back on developing the stores. We're still looking for sites in Southeast Wisconsin. We love this site, just our timing is not so good with it.

Donald Hackbarth:

I've got a question. with GFS growing so fast is this site going to be adequate? Or, are you going to come back in another couple years and say, gee, this thing is too small and we've got to add on or buy another site?

Jeff Bond:

No, I don't foresee that. What would probably happen, now as you may recall when we were coming through planning on our site plan this building was designed to fit this site. We initially proposed a larger building. In working with staff we found that that larger building wasn't able to fit the site very well because of setbacks and other restrictions on the site. So we designed this building which is a little bit smaller, but we designed it hoping that it would have the capacity of the larger buildings.

Now, since that happened we did develop one of these down in Bowling Green, Kentucky. The building has just been opened for about a month or so, so we're now evaluating whether or not we really like it. So far the returns or the responses on that is, yeah, we think it can do the capacity. We like the way the aisles lay out and so on and so forth. So the answer to the question is we're committed to the site. We intend to develop that site. There will be other sites in Southeast Wisconsin but it won't be a case that we would abandon this one.

Mike Serpe:

Jean, how many more extensions would they be allowed before this is withdrawn totally?

Jean Werbie:

That's up to the Plan Commission.

Mike Serpe:

I move approval.

Wayne Koessler:

I'll second.

Thomas Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL THEN TO GRANT THE EXTENSION FOR SIX MONTHS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

I guess my only negative on this is it's not a problem with Gordon Food Service, it's just that one of the side benefits of this was we were going to get that lot paved which was promised by the owner of that property three years ago now so that Chili's customers would not be parking in the

gravel pit and that was going to be one of the added benefits. So the sooner you guys can get this done the sooner that solves another problem for us.

John Braig:

Point of order, you didn't ask for the negative vote.

Thomas Terwall:

I'm sorry.

**JOHN BRAIG:**

**OPPOSED.**

Thomas Terwall:

I apologize for that. So the vote is five to one.

Jeff Bond:

To their credit it looks like they've maintained the gravel in pretty good condition but we agree it would be nice if it were paved. Thank you.

**H. Consider the request of Daniel Murphy of Wilmot Road East and West LLC, Richard Oscarson of JMC Investments LLC and John & Roberta Steinbrink, owners; for Site and Operational Plan approval for a Shared Storm Water Management Basin to be generally located south of Wilmot Road (CTH C) and west of 88th Avenue (CTH H).**

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a request of Daniel Murphy of Wilmot Road East and West LLC, Richard Oscarson of JMC Investments LLC and John & Roberta Steinbrink, owners; for Site and Operational Plan approval for a Shared Storm Water Management Basin to be generally located south of Wilmot Road, Highway C, and west of 88th Avenue, County Trunk Highway H.

At this time the involved property owners and petitioners are seeking Site and Operational Plan approval to construct and maintain a Shared Storm Water Management Basin to serve four properties, again, which is to be generally located south of Wilmot Road and west of 88th Avenue.

As part of this shared storm water management basin, I'm prepared to give the following background information. In a letter dated September 7, 2007, the owners of the four parcels involved in this project have agreed to pursue this proposed storm water management facility. The purpose of the facility is to accommodate the storm water runoff from all four properties. The facility has been sized to handle the storm water from these properties upon their build-out. The shared/regional storm water facility will decrease the need for multiple storm water ponds



upon these properties' further development. This proposed Shared Storm Water Management facility will serve the following properties:

Tax Parcel Number 91-4-122-084-0101, owned by Wilmot Road West LLC - Daniel J. Murphy, Managing Member. This 22.26 acre parcel property is zoned M-2, Heavy Manufacturing District and is improved with a 363,000 square foot distribution/ warehouse/office building. It was formerly known as the Tri-Clover building and associated site improvements. The warehouse portion of the building is being leased by Rust-Oleum to store Level 3 aerosols, brush paint and non-paint related materials within the building. These were approved through Condition Use Grants 04-02 and 06-01. The 2-story office portion of the building is unused at this time.

The other thing I wanted to mention with respect to the Wilmot Road development is that as part of the conditional use permit approval as granted by the Plan Commission, it was required that when 50 percent of that vacant building had been built out they needed to comply with all of the regulations of the Village of Pleasant Prairie as it related to zoning and storm water management. So they had been under some requirements of this Plan Commission and this Village to construct a storm water basin to handle storm water from their existing site, which currently had not been provided up until this point. So since they are at a point where they are going to be pursuing and trying to lease out more than 50 percent of this building, the time was now that they were required to have this basin. So that was the push for this basin being construction at this time.

The second is Tax Parcel Number 91-4-122-084-0102, owned by Wilmot Road East LLC - Daniel Murphy Managing Member. This 17.67 acre parcel property is zoned M-2 and is improved with a large asphalt parking lot as is and was intended to serve the adjacent distribution/warehouse/office building to the immediate west. This parking lot is essentially unused at this time.

The next is Tax Parcel Number 91-4-122-084-0203, owned by John & Roberta Steinbrink. This 34.10 acre parcel property is zoned M-2. It's currently agricultural. Crops are being grown at this time. The Prairie Ridge Neighborhood Plan depicts this property with the possible development of 96 condominium units when and if it is developed.

The final parcel is Tax Parcel Number 91-4-122-084-0410, owned by JMC Investments LLC - Richard J. Oscarson, Managing Member. This 10.18 acre parcel property is zoned A-2, General Agricultural District and is improved with the owner's landscaping business, Kenosha Grounds Care. The subject properties are bounded by Wilmot Road , Bain Station Road and the Ashbury Creek Subdivision which is in its final stages of Phase 1 construction on the west.

The shared basin facility, including the associated berming and landscaping, will be physically located on the rear or west portion of the JMC Investments property, on the extreme northwest corner of the Steinbrink property and along the extreme southern/southwestern property line of the Wilmot Road West LLC property. The actual open water portion of the facility will be located on the JMC Investments and Steinbrink properties, while the facility improvements on the Wilmot Road West property will consists of additional grading, berming and landscaping.

Pursuant to the plans, easements will encompass the storm water facility and the facility will be maintained by the three property owners. The owners will need to provide the Village with recorded maintenance easement documents. According to the owners, each owner will be responsible for the landscape plantings and maintenance on their property, since the existing

property lines are not changing. Kenosha Grounds Care will be responsible for seeding, stabilization, and erosion control as part of the construction agreement. The pond will not have a fountain, as it will be of sufficient size and depth that a fountain would have aesthetic qualities only and, at this time, there would be no benefit from an aeration fountain. The pond depth will vary between 5 to 12 feet and the total water surface area of the finished pond will be approximately three acres.

According to the applicant/owners, substantially all pond construction-related vehicular truck traffic will enter and exit via the existing Kenosha Grounds Care 88th Avenue driveway. Most of the trucking for the soil export will travel north on CTH H to 75th Street. A small amount of soil export from slopes created on the Wilmot Road West LLC property may be trucked onto Wilmot Road (CTH C).

There were some questions and concerns by the adjacent landowners, the developer of the Ashbury Creek property. I'll just read through the questions and answers that they had provided to us.

Mark Bourque, the developer of the Ashbury Creek Subdivision located to the immediate west of the proposed management facility has presented the following questions and concerns to the staff. The owners and developers of the facility have provide the following:

Q. Is the owner installing any storm water management for the parking lot?

A. The latest plans from National Survey & Engineering show a swale on the west side of the west Wilmot Road West property parking lot adjoining the Ashbury Creek Subdivision. This swale will direct all the water which is currently sheet draining from the parking lot towards Ashbury Creek Lots 58 through 62 in a southerly direction until it empties into the proposed shared regional pond.

Q. Is the owner installing any landscape buffering to the parking lot?

A. The previously approved landscape plan for the Wilmot Road West facility has trees to be planted along the west lot line. They were located on the plan to complement what was approved for Ashbury Creek. The planting was held off until the grading and/or planting for Ashbury Creek was completed in this area because it's a tight space to work for the equipment with one of the factors being a retaining wall. We are requesting that Mr. Bourque inform Mr. Murphy and/or Mr. Oscarson when his planting is scheduled, so perhaps, subject to their approval, the trees for Wilmot Road West could be planted at the same time.

Q. On the regional detention basin outlet control structure, where is the water draining to? I expect it will make its way to the Outlot 3 wetland complex; but how, surface, swale or drain tile?

A. The water will exit the proposed regional pond close to the wetland identified as the Ashbury Creek Outlot 3. The water will discharge at existing surface level on the Steinbrink property, flow through the existing wetland in Ashbury Creek Outlot 3, then follow the existing improved swales in Ashbury Creek. The heavy flows which currently enter the existing wetland right at the end of the retaining wall will no longer be present.

Per an earlier Village request, the latest plans show the outlet moved slightly north in consideration to the adjacent Ashbury Creek lot. The first stage restrictor at 7 inches round will greatly reduce the post construction flows from what Ashbury Creek is currently experiencing during rain events.

Again, some background information, just so you knew that this was going on, on August 1, 2007, a Village Erosion Control Permit was issued to JMC Investments for an initial and related soil excavation exclusively on the JMC Investments LLC property. This excavation of approximately 40,000 square feet of surface area disturbance and consisting of approximately 9,000-10,000 cubic feet of excavated materials is completed and formed the initial excavation for this facility. The initial excavated materials were trucked to the Kenosha County Regional Airport for use in the construction of a new airport runway/taxiway for the City of Kenosha.

With that the staff does recommend approval of the site and operational plans, again, for this shared storm water management facility. No other construction is proposed or is taking place on this sight, subject to the comments and conditions as outlined in the staff memorandum.

Donald Hackbarth:

Move approval.

Judy Juliana:

Second.

Wayne Koessl:

The questions that were asked did that satisfy all parties?

Jean Werbie:

Rich Oscarson from Kenosha Grounds Care.

Rich Oscarson:

Rich Oscarson, 8735 Old Green Bay Road. I don't know if you've got it, Tom, but Mark send an e-mailed copy to all of us saying he couldn't make it tonight but the answers satisfied all his concerns.

Wayne Koessl:

Thank you.

Thomas Terwall:

**WE HAVE A MOTION BY DON HACKBARTH AND A SECOND BY JUDY JULIANA TO APPROVE THE REQUEST SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**7. ADJOURN.**

Mike Serpe:

So moved.

Wayne Koessl:

Second.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? We stand adjourned.

**Meeting adjourned at: 6:30 p.m.**