

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
October 8, 2007**

A meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on October 8, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; and Judy Juliana. Donald Hackbarth and Larry Zarletti were excused. Also in attendance were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CITIZEN COMMENTS.**

Thomas Terwall:

If you're here tonight for an item that appears on the agenda as an item for public hearing, we would ask that you hold your comment 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 an item that is not a matter for public hearing, or if you're here to raise an issue that is not on the agenda, now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

5. OLD BUSINESS

Wayne Koessler:

Mr. Chairman, Items A and B that are tabled are related and I would move that we take them off the table.

Mike Serpe:

Second.

Thomas Terwall:

**MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO REMOVE
ITEMS A AND B FROM THE TABLE. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

- A. TABLED 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".**
- B. TABLED 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, I did want them taken off the table for just a brief time here so that I could give you some additional information. As you know, on September 10, 2007, at the request of the applicant, the Plan Commission voted to table the both the Zoning Text Amendment to create the Timber Ridge Mobile Home Park PUD and the associated Zoning Map Amendment due to remaining PUD language-related issues that needed to be further reviewed and resolved.

At this time, the staff and the property owner and applicant still need some additional time to resolve these issues related to the PUD and the corresponding rezoning. Therefore, the Village staff recommends that the Plan Commission continue to table these requests, both the text amendment as well as the Zoning Map Amendment. However, we don't have a date at this point for which they would be reconsidered by the Plan Commission. So the staff will be renotifying and reposting this matter prior to it coming up again for a public hearing. We hope that it will be within the next 30 days to 60 days, but just so you know we are going to be renotifying the residents and the property owner.

Thomas Terwall:

Thank you. Motion to retable is in order.

Mike Serpe:

So moved.

Wayne Koessl:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO TABLE ITEMS A AND B TO A DATE UNSPECIFIED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Item C is also tabled. We need to remove it from the table.

Judy Juliana:

Motion.

Andrea Rode:

Second.

Thomas Terwall:

MOTION BY JUDY JULIANA AND A SECOND BY ANDREA RODE TO REMOVE ITEM C, TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT FROM THE TABLE FOR CONSIDERATION. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

C. TABLED 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, this is a zoning map amendment. It's a public hearing. It's 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.

On September 10, 2007, the Plan Commission tabled this item so that a corrected legal description and notice could be published on this particular item which we have since done.

Just as a reminder, on May 12, 2006, the Village received an application from Jolene Hoskins for a wetland staking to be completed on a vacant property generally located across the street from 11233 3rd Avenue and identified as Tax Parcel Number 93-4-123-304-0245.

The Village received a letter dated January 17, 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 May 18, 2006.

Therefore, the field-delineated wetlands on the property are proposed to be rezoned into the C-1, Lowland Resource Conservancy District, and the remainder of the non-wetland area would be designated as R-5, Urban Single Family Residential District. In addition, the entire property will remain in the LUSA District. Again, this is a matter for public hearing. The original resolution was initiated by the Plan Commission but we're looking for a consideration this evening.

Thomas Terwall:

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

Mike Serpe:

Move approval.

Judy Juliana:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JUDY JULIANA THAT WE 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. Item D, we need a motion to take this off the table.

Andrea Rode:

Moved.

Jim Bandura:

Second.

Thomas Terwall:

MOVED BY ANDREA RODE AND SECONDED BY JIM BANDURA TO REMOVE ITEM D FROM THE TABLE FOR CONSIDERATION. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman, I would also ask that Item A be considered at this time. It's also a public hearing and they both are related to the same project.

John Braig:

Is that Item A under New Business?

Jean Werbie:

Yes, correct.

John Braig:

So moved.

Judy Juliana:

Second.

Thomas Terwall:

MOTION BY JOHN BRAID AND A SECOND BY JUDY JULIANA TO TAKE TABLED ITEM D AND ITEM A & TOGETHER. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

D. TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Phil Godin, agent for Sunny Prairie, LLC, owner of the property generally located on the east side of 47th Avenue at approximately 109th Street for the proposed Sunny Prairie development to rezone the property from the A-2, General Agricultural District. The petitioner is requesting to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District, to rezone Lots 1-5 into the R-3, Urban Single Family Residential District, and to rezone Outlots 1 excluding the wetlands into the PR-1, Park and Recreational District. The Zoning Map Amendment also includes the rezoning of the area of the property that is currently zoned A-2, General Agricultural District that has been attached to the adjacent property located at 11009 47th Avenue into the R-4, Urban Single Family Residential District.

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A FINAL PLAT, ENGINEERING PLANS, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS for the request of Phil Godin, agent for Sunny Prairie, LLC, owner of the property generally located on the east side of 47th Avenue at approximately 109th Street for the proposed Sunny Prairie Subdivision which includes five (5) single family lots and one (1) outlot.

Jean Werbie:

Mr. Chairman, members of the Plan Commission and the audience, we have two items for consideration of a public hearing this evening related to the same project. The first is a zoning map amendment, and this is the request of Phil Godin, agent for Sunny Prairie, LLC, owner of the property generally located on the east side of 47th Avenue at approximately 109th Street. The

request is to rezone the property out of the A-2, General Agricultural District. The petitioner is requesting to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District, and to rezone the proposed Lots 1 through 5 into the R-3, Urban Single Family Residential District, and the portion of Outlot 1, which is non-wetlands, is proposed to be placed into the PR-1, Park and Recreational District. In addition, there is area of the property to the south that was boundary adjusted to the adjacent property. That small sliver of land is also proposed to go from the A-2 District to the R-4 District.

The second item is a public hearing and consideration of the final plat, engineering plans and development agreement and related documents for the Sunny Prairie Subdivision. Again, this subdivision is proposed to be located on the east side of 47th Avenue at approximately 109th Street. The developer is proposing five single family lots and one outlot. These items are related and will be discussed at the same time, however separate action will be required.

The petitioner is requesting to subdivide the 4.7 acre property generally located between 45th and 47th Avenues at about 109th Street for the proposed five single family lots to be known as Sunny Prairie. Three of the lots will have frontage on 47th Avenue and two of the lots will have frontage on 45th Avenue. An eye-brow type cul-de-sac will be constructed at 45th Avenue and 109th Street to construct these two lots.

The proposed Sunny Prairie development is located in the Prairie Lane Neighborhood. Pursuant to the Comprehensive Plan, this neighborhood is classified as being within the Low Density Residential land use category wherein the average lot area within the neighborhood is 19,000 square feet or more per dwelling unit. On November 6, 2006, the Village Board conditionally approved the Conceptual Plan for the proposed Sunny Prairie Subdivision.

In the staff comments under residential development, 4.7 acres of land is proposed to be developed into five lots and 1 Outlot. The Preliminary Plat currently shows that the lots range in size from 20,106 square feet to 39,640 square feet per lot. The average lot within the subdivision is 30,109 square feet. All of the lots meet or exceed the minimum requirements of the R-3 zoning district. The district requires that the lots be a minimum of 20,000 square feet with 100 feet of frontage unless they're on a cul-de-sac or curve.

As I mentioned previously, a lot line adjustment was recently recorded where in 3,049 square feet was transferred from this property and then attached to the property to the south. Peggy is identifying that for you. A small area is proposed to be rezoned into the R-4, Urban Single Family Residential District. This will be the same as the lands to the south. The development overall provides a net density of 1.26 units per net acre.

Population projections with this development, based on the U.S. census and the projections that we've made, it's projected that with the five lots that 14 persons would be added to the population under full build out of this development. The subdivision would likely generate three school age children at full build out, two of which would be public school age children.

Under open space within the development, approximately one acre or 25 percent of the entire site is proposed to remain in open space. The open space within the development includes wetlands, woodlands, a retention area and other open space.

Under wetlands, a total of .59 acre of wetlands was delineated by SEWRPC on August 3, 2006. These wetlands are located within Outlot 1 and have a wetland preservation and protection easement over them. Under woodlands, the existing trees greater than 10 inches have been identified on the property. The trees located adjacent to 47th Avenue and along the south property line are all proposed to be preserved. The tree on Lot 3 is also located within a tree preservation and protection easement. Peggy is identifying it. It hangs partially onto this property and onto the property to the south. So we actually created a tree preservation easement within the drip line of the tree so it's not disturbed from the south or from the north. The developer shall include penalties in the declaration of restrictions, covenants and easements which he has. If any of the trees are removed without permission from the homeowners association and the Village.

Under other open space, .52 acre of other open space is located within Outlot 1 and will remain as open space. A portion of this outlot will be used for storm water retention purposes to serve the development. The developer's engineer has evaluated the development site based on actual field conditions and has presented a storm water management plan that's been approved by the Village.

With respect to some additional other open space, there is going to be a dedicated 35 foot landscape, access and maintenance easement along 47th Avenue, again, to preserve and protect any existing trees, and if any street trees are planted in this area those would be protected as well. With respect to Outlot 1, it's proposed to be dedicated as a fee interest transfer to the homeowners association. The outlot shall be labeled as Dedicated by the Developer to the Homeowner's Association for Open Space, Storm Water Retention, Sanitary Sewer, Access and Maintenance Purposes. There will also be a wetland area within Outlot that does need to be protected.

Under the zoning map amendment for this subdivision, again, the property is currently zoned A-2, General Agricultural District. The proposal is to rezone the property into the R-3, Urban Single Family Residential District, which would be the same as the Mission Hills Subdivision to the south/ southeast as well as the Whispering Knoll Subdivision which is to the north and to the east. So it would be in compliance with those adjacent subdivision. That small strip of land to the south that they boundary adjusted would be placed into the R-4 designation, and the wetland areas would be placed into the C-1, Lowland Resource Conservancy designation. And the remainder of open space would be put into the PR-1, Park and Recreational District.

With respect to public improvements in this subdivision, no additional right-of-way will be required to be dedicated on 47th Avenue. On 45th Avenue, at 109th Street, there is a small eye-brow type cul-de-sac that is going to be installed at the end of 109th, so that right of way does need to be extended and that curb area will need to be removed to the nearest joint and they will be constructing curb for that partial cul-de-sac.

Under municipal water, it will need to be extended in 47th Avenue to the south property line of Lot 3. The water main exists in 45th Avenue and 109th Street. Granular backfill shall be used for the water main installation due to the close proximity of the water main placement to the existing pavement in 47th Avenue. The developer will be financially responsible for the repairs for any damaged pavement in 47th Avenue during the construction of the water main.

Under municipal sanitary sewer, the sewer will be extended from the existing sewer located within 45th Avenue at 109th Street. It will enter through an easement within Outlot 1 and it will service Lots 1, 2 and 3. Sanitary sewer service cannot be provided within 47th Avenue from the

north due to the grade of the roadway in relation to the existing sanitary sewer. It's for that reason that we do need to bring sewer through an easement to service those three lots on 47th Avenue. Obviously the two lots adjacent to 45th Avenue will be serviced from 45th Avenue.

Since Whispering Knoll, as part of the 45th Avenue/109th eye-brow type cul-de-sac construction, since that subdivision has already installed their required Phase 2 public improvements, and that's the curb and gutter and the binder lift of asphalt, the developer will be required to remove the curb and gutter to its nearest joint and they'll need to replace the curb and gutter as well as the asphalt in that location. They have requested and we've agreed to do this in the same construction season so it doesn't disturb or cause any disruption to the existing residents within the Whispering Knoll area.

The third phase of required public improvements which is that final lift of asphalt paving for 45th and 109th, that will wait until Lots 1 and 2 are constructed and Whispering Knoll is completed, then they'll go in and finish that paving.

The next area to look at was the on-street bike trail at 47th Avenue. Pursuant to the Village's Park and Open Space Plan adopted by the Plan Commission on March 13, 2006, a future on-street bike trail is proposed on 47th Avenue adjacent to the development. This on-street bike trail will be constructed at the time that the roadway is widened or there's some improvements to 47th Avenue. Financial security will need to be provided by the developer to the Village for the construction of this on-street bike trail along 47th Avenue.

Under right-of-recovery, a 10-year right-of-recovery could be afforded to the developer for water main improvements proposed to be installed on 47th Avenue if, after holding a special assessment hearing, the project is approved by the Village Board. The actual costs for such improvements shall be provided by the developer at the time the final engineering is reviewed and bid numbers have been obtained. Property owners on the west side of 47th Avenue would be required to pay the water special assessment costs only if they choose to connect to the municipal water main. Also, any new homes will be required to connect to municipal water and pay the special assessment prior to connecting to the main. If any new lots are created along 47th Avenue as part of the certified survey map they also then would need to pay that special assessment. A Special Assessment public hearing for the off-site municipal water improvements will need to be scheduled by the Village Board related to these pending costs prior to approval of the Final Plat.

Under construction access, construction access for installation of public improvements and house construction will be required from 47th Avenue coming in through Whispering Knoll at 108th Street and south on 45th Avenue. There shall be no housing construction activity or public improvement construction vehicle activity that accesses the site through either Mission Hills or Prairie Lane Heights.

Under fiscal review, a fiscal impact analysis is being completed by the Village for the proposed development as it relates to the amount of Village tax dollars collected from the development and the level of Village services required to serve the development. The staff is working on completing this analysis.

We've outlined for you in the staff memo two different points that we've discussed with the developer, the first of which is police, fire, EMS, public works cost sharing agreement. In

addition to the impact fees due at the time of building permit, the developer has agreed to enter into a cost sharing agreement to donate \$891 per housing unit as a cost sharing contribution for each of the five residential units within the development to address current shortfalls in funding/fees collected for police, fire, EMS and public works as a direct result of this development. The referenced \$891.00/per residential unit 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 lot owner or as a condition precedent to the issuance of a building permit, whichever occurs first. Only one \$891.00 payment would be due or payable per residential unit. So if a property sells or is conveyed multiple times it does not have to be paid multiple times.

The second item is the on-site bike trail contribution. The developer shall agree to the financial contribution for the road shoulder widening and the installation of an on-street bike trail. This cost is \$2,119.86 per lot. The referenced payment will 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 lot owner or as a condition precedent to the issuance of a building permit, whichever occurs first. Only one \$2,119.86 payment would be paid per residential unit.

This is a matter for public hearing. Again, we have two public hearings both to consider the rezoning and then to consider the final plat and related documents.

Thomas Terwall:

As she pointed out this is a matter for public hearing. We'll entertain questions or comments on either of those two issues. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff.

John Braig:

Jean, I have one concern regarding that eye-brow cul-de-sac. It strikes me as an unnecessary expenditure now and a maintenance cost in the future just to bring the frontage requirements into compliance with our ordinances. I could live with it if we ask for the roadway to be developed and paved in a straight line and the cul-de-sac be dedicated as public right of way but permitted to be a tree lawn or grass like that. Or, the alternative would be to ask for a variance from the Board of Appeals on the two lots that are benefitting from this eye-brow cul-de-sac. Do you want to comments?

Jean Werbie:

Sure. The eye-brow type cul-de-sac at 109th and 45th Avenue is required due to the fact that they need to have a certain amount of frontage on a public street. The purpose of a variance is if there's a hardship or a practical difficulty that would be created and but for something being done then you can grant the variance. But this was the solution that our Village engineer had come up with in order to allow these lots to be considered buildable. So I'm not sure what else to say. This is something we have considered at the conceptual plan and the preliminary plat.

The final plat is in substantial compliance with the original preliminary plat. So the Plan Commission is bound to consider approval of this final plat if, in fact, all of the conditions have been satisfied in a timely manner. So since we have taken action up to this point to approve it

with this bulb cul-de-sac I'd be hard pressed to go back and to force the property owner to go back through a variance process when the staff would not support it.

John Braig:

How about just paving the roadway in a straightforward fashion rather than modifying it to accommodate the eye-brow? I guess it's not critical now because this isn't going to stand in the way of approval, but it might be something that the staff might want to review after approval.

Thomas Terwall:

Any other comments and questions?

Jean Werbie:

The other concern and problem we had was the sanitary sewer easement that cut through the property in trying to get the required frontage for these two lots. Believe me we looked at this and worked with the developer for several weeks, if not months, to try to figure out how we could make this work so that just the two lots could be created and this is the solution that we had arrived at.

Mike Serpe:

Bob, when you were discussing this did you run this past Junior? Did he mention anything about a maintenance problem or plowing problem?

Bob Martin:

Not that I recall, but it's very minimal as far as additional paving and so on. I think it probably has an added safety factor in the fact that you've got a couple lots coming off that are at least back from the street a little bit, too, at that corner.

Wayne Koessl:

Mr. Chairman, I'd move approval of the zoning map amendment.

Jim Bandura:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA 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. And then secondly a motion for final plat.

Mike Serpe:

So moved.

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 FINAL PLAT, ENGINEERING PLANS, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT at the request of VK Development, property owner; on behalf Gershman Brown Associates, Inc., agent; for PetSmart, lessee; to allow PetSmart to operate a veterinary office and associated veterinary services within the proposed PetSmart store at 9887 76th Street in The Shoppes at Prairie Ridge commercial development, which is generally located south of 76th/77th Streets, north of Prairie Ridge Boulevard, east of 104th Avenue and west of St. Catherine's Hospital.

Jean Werbie:

Mr. Chairman, members of the Plan Commission and the audience, this is a public hearing in consideration of a conditional use permit at the request of VK Development, property owner; on behalf Gershman Brown Associates, Inc., agent; for PetSmart, lessee; to allow PetSmart to operate a veterinary office and associated veterinary services within the proposed PetSmart store at 9887 76th Street in The Shoppes at Prairie Ridge commercial development, which is generally located south of 76th/77th Streets, north of Prairie Ridge Boulevard, east of 104th Avenue and

west of St. Catherine's Hospital. We have not yet assigned an address to this particular building so that's why we gave it the general location.

This is a public hearing, and as part of the hearing record, the staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below in your staff comments.

Under findings of fact:

1. Current Request - VK Development, property owner; on behalf Gershman Brown Associates, Inc., agent is requesting a Conditional Use Permit on behalf of PetSmart, lessee, to allow PetSmart to operate a veterinary office and associated veterinary services which include pet training, obedience classes, pet grooming, pet adoption, etc., within the proposed 20,000 square foot PetSmart store to be located within The Shoppes at Prairie Ridge commercial development.
2. Veterinary facility - The PetSmart vet facility offers full service vet care within an approximate 2,000 square foot area within the store and is operated by PetSmart's Banfield licensed affiliate. The vet services are provided by properly licensed professionals and generally consist of outpatient care, routine examinations, vaccinations, pharmacy, dental care, and most surgical procedures. All medical waste is properly contained and handled by experienced, qualified operators in accordance with established policies and local regulations. Boarding or keeping of pets is not offered by the vet facility as a separate service; however, an overnight stay, as a result of a surgical procedure, may be required for the safety and/or well-being of a pet. However, when I did speak with PetSmart over the phone last week, they indicated that they likely would like to partner up with another local vet or someplace or animal hospital that might take the pet overnight if it's a serious situation.
3. Background Information
 - a. On June 25, 2007 the Plan Commission conditionally approved the Site and Operational Plans for the approximate 365,000 square foot proposed Shoppes at Prairie Ridge commercial development.
 - b. On June 25, 2007, the Village of Pleasant Prairie Plan Commission recommended approval to the Village of Pleasant Prairie Board of Trustees and on July 16, 2007, the Village Board conditionally approved several other items related to The Shoppes at Prairie Ridge development, including two Certified Survey Maps, two Zoning Text Amendments and two Development Agreements.
 - c. On July 23, 2007, the Village of Pleasant Prairie Plan Commission recommended approval to the Village Board and also on July 23, 2007, the Village Board, during a Special Meeting, conditionally approved two Memorandums of Understanding between the Village of Pleasant Prairie and the WIDOT pertaining to the required STH 50 Transportation Improvements to be provided, installed and constructed by VK Development and pertaining to the future required Phase 3 STH 50 Transportation Improvements to be installed,

constructed and completed by VK Development. The staff actually received the signed DOT permit from them in the mail today.

4. Location - The proposed 20,000 square foot PetSmart store is to be located in Building 2 of The Shoppes at Prairie Ridge. We do have an address at 9887 76th Street and is further identified as Tax Parcel Number 92-4-122-082-0135. Again, this property is going to be further subdivided when the certified survey map is recorded.

Under zoning, the current zoning of the property is B-2, PUD, Community Business District. There are two Planned Unit Development Overlays as outlined in the staff memo, one that was approved on May 15, 2000 and the other that approved on March 20, 2006.

As information, Section 420-119 B. (1) of the Zoning Ordinance allows as permitted retail uses the sale of pets and pet supplies. Additionally, it has been previously determined by the Village Zoning Administrator that associated pet-related services such as pet grooming and pet boarding are allowed as long as the pet grooming and pet boarding subscribe to the following. Then there are some specifics. The pet grooming and pet boarding shall occur completely inside. Pet boarding shall consist of only common household pets and shall not be used or construed as a kennel, a pet motel or hotel or an extended stay facility. Occasional overnight stays of the pets are allowed to ensure the safety and well being of the pets who have had recent surgical procedures.

5. A conditional use permit is being applied for this evening because a veterinary office is allowed service but only in the B-2 District with a conditional use permit.
6. The anticipated hours of operation for PetSmart are from 8 a.m. or 9 a.m. to 6 p.m. or 7 p.m. Monday-Saturday and 9 a.m. to 5 p.m. Sunday, with the veterinary office and related functions operating from 8 a.m. or 9 a.m. to 6 p.m. or 7 p.m. Monday-Saturday.
7. The anticipated number of employees associated with the veterinary office is 8 to 9 full-time and 4 to 6 part-time.
8. The petitioner and all of the abutting and adjacent property owners within 300 feet of the site were notified via U.S. Mail on September 24, 2007. Notices were published in the *Kenosha News* on September 24, 2007 and October 1, 2007.
9. The Village emailed/faxed the petitioner a copy of this staff report on or about October 5, 2007.
10. Given the location of the proposed veterinary office within the 20,000 square foot commercial building, which is itself situated within the center of the large, 350,000 square foot Shoppes at Prairie Ridge commercial development, which is surrounded by public roads on three sides that serve this development, the Village staff does not foresee any potential adverse affects of this office, such as noise, to neighboring properties or tenants. Furthermore, the PetSmart veterinary office would not negatively affect the overall health, safety and welfare of any nearby residentially zoned areas.

11. According to Article XVIII of the Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented here this evening, that the project as planned will not violate the intent and purpose of all Village Ordinances and meets the minimum standards for granting of a Conditional Use Permit. In addition, according to Article IX of the Village Zoning Ordinance, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements as well as federal, state or local statutes, regulations, ordinances or other laws relating to land use, buildings, development control, land division, environmental protection, sewer, water, and storm water services, streets and highways and fire protection.

With that, I'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? Anybody wishing to speak? Anybody wishing to speak?

Wayne Koessl:

Mr. Chairman, I'm going to oppose this item and I'm going to refer to our conclusions for a conditional use permit. I think it will impede the pedestrian travel on the site and it's going to be a hazard coming in and out of that shopping area. When you have a bunch of dogs and people around there walking and shopping and children I think it's opening up for some people getting bitten and other things. I just think it's not the proper place for it and I would vote that we deny it.

Thomas Terwall:

Any other comments?

Jim Bandura:

Just a quick one to staff. Issue of properly licensed professionals that does mean a veterinarian is going to be on site at all times?

Jean Werbie:

Yes.

Mike Serpe:

In reference to what Wayne was asking, do we know if there's any incidents that have taken place at the Southport Shopping?

Jean Werbie:

Petco.

Wayne Koessl:

I don't think they have a veterinary service there, do they?

Mike Serpe:

No, they don't have a veterinary service but they do have dogs coming in for whatever reason.

Wayne Koessl:

I think grooming is one thing, but when you're bringing in sick animals in there is another.

Mike Serpe:

Normally cats you bring in a cage and a dog you bring them on a leash. At least I would hope so.

Jean Werbie:

At Petco similar to this one and all other pet stores you can bring any pet, dogs or cats in for shopping at any time. I personally go to Petco and I don't know that there's every been an issue or problem. They groom dogs and cats at Petco as well but they do not have veterinary services there.

John Braig:

Does the staff feel that the Village has adequate regulations and ordinances that in the event there was some problem with this facility be it approved that we could address it in a timely manner?

Jean Werbie:

Yes, I do.

Mike Serpe:

One other question I have. Do we know if there's a crematory involved in this operation?

Jean Werbie:

No.

Mike Serpe:

There is not?

Jean Werbie:

No.

Jim Bandura:

One other quick question. In regards to Mike's question where do they take them then if by chance an animal passes away?

Jean Werbie:

I would assume they take them to an animal hospital. I know that we have another veterinary service in the Village and that's what they do with the other facility. There is a representative here for PetSmart if you have further questions.

Michael McTernan:

Attorney Michael McTernan, 6633 Green Bay Road. I represent, as you know, Gershman Brown and the developer of the site. PetSmart is here. He got caught up in traffic. I apologize he's late but he's here to answer any questions you may have.

Mike Serpe:

I have a question. In answer to you heard the question from Wayne about possible people getting bit. In your experience has that happened?

Jeff Boteat:

I can't say that it's never happened but I'd say it's the rare occurrence. Jeff Boteat with PetSmart. I'm out of Madison, Wisconsin.

Thomas Terwall:

Any comments or questions?

John Braig:

I'm curious on the follow up with the crematorium. What do you do with the bodies?

Jeff Boteat:

They use an off site facility. They'll contract to have somebody come in if they've got the deceased animal and they'll take it off to the crematory. They actually can then be returned to the store if the owners should determine they want to pick them up.

Mike Serpe:

Mr. Chairman, a good question by Wayne but I don't think the problem is going to be that great that we have to deny this and I would move approval.

Andrea Rode:

Second.

Wayne Koessl:

Did I get a second of my denial motion or no?

Thomas Terwall:

I don't know there was a motion.

Wayne Koessl:

I made a motion to deny, Chairman. No second, okay. After the second I want to speak, also. I still think we're going to jeopardize people out there. When you have animals that are on a leash or not you're bringing them in that amount of traffic, people walking and everything, little kids get excited when they see pets and they run up to them, I just think it's wrong. And I think our CUP conditions tell you that.

Thomas Terwall:

IF THERE'S NO FURTHER COMMENTS THEN WE HAVE A MOTION BY MIKE SERPE AND A SECOND BY ANDREA RODE TO APPROVE THE CONDITIONAL USE PERMIT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

WAYNE KOESSL:

NO.

Thomas Terwall:

Motion carried.

C. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT for the request of Kari Kittermaster, agent for Regency Hills-Devonshire LLC, owner, to construct a house and use it as a Model Home & Sales Center on Lot 40 in the Devonshire Subdivision.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a consideration of a conditional use permit at the request of Kari Kittermaster, agent for Regency Hills-Devonshire LLC, owner, to construct a house and use it as a Model Home & Sales Center on Lot 40 in the Devonshire Subdivision.

As a part of the hearing record, the staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as described in the staff comments and we'll be including them as part of the public hearing this evening.

Under findings of fact:

1. On August 27, 2007 the Village Plan Commission held a public hearing related to a request from the petitioner to construct a home on Lot 27 in the Devonshire Subdivision and use the home as a Model Home & Sales Center. The Plan Commission approved a Model Home & Sale Center for the Devonshire Subdivision but only for either Lots 30 or 38. After further review by the petitioner they are requesting to construct model home and sales center on Lot 40 instead so it brings it back to you this evening.
2. The petitioner is requesting a Conditional Use Permit to construct a home on Lot 40 in the Devonshire Subdivision and use the home as a Model Home & Sales Center. The garage is proposed to be used as a sales center and that's provided for you as Exhibit 1.
3. The subject property is known as Lot 40 in the Devonshire Subdivision in a part of the U.S. Public Land Survey Section 23, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-232-0340.
4. The Final Plat for Devonshire was approved by the Village Board on June 4, 2007, and the first phase of public improvements are currently being installed at this time within the Development.
5. Lot 40 within the Devonshire Subdivision is zoned R-4, Urban Single Family Residential District, and pursuant to Section 420-108 C (1) (b) of the Zoning Ordinance, model single-family homes and related temporary real estate sales offices or marketing centers are allowed in the R-4 District with the approval of a Conditional Use Permit.
6. The petitioner is proposing to have the following hours: Monday - Thursday from 9:00 am to 6:00 pm, Fridays from 9:00 am to 4:00 pm, Saturdays from noon to 3:00 pm and Sunday from noon to 4:00 pm. Parking within the driveway area and the three car garage can accommodate seven vehicles on site.
7. Pursuant to Section 420-148 (67) of the Village Zoning Ordinance, the Model Home and Sales Center may be located in a new development for a period not to exceed two years from the date of occupancy and the Plan Commission may set specific time frames for which the model home and marketing center can be open. Village staff recommends that the Model Home and Sales Center be allowed to be open as proposed by the petitioner.

8. Notices were sent to adjacent property owners via regular mail on September 18, 2007 and notices were published in the *Kenosha News* on September 24, 2007 and October 1, 2007 as shown in Exhibit 2.
9. The petitioner was emailed a copy of the memorandum on October 5, 2007, including the Fire & Rescue Department comments.
10. Pre-set conditions for approval of model homes are set forth in the staff recommended conditions of approval as identified in this Village Staff memorandum.
11. According to Article XVIII of the Village's Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing that the project as planned, will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit.

With that, I'd like to continue the public hearing.

Thomas Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff. Jean, correct me if I'm wrong. This is the exact same application that was approved in the past, only the lot is being moved, is that correct?

Jean Werbie:

The lot is and I just want to correct one of my comments. They're going to be able to park in the driveway area and on the street but not in the garage because that's where the sales office is going to be. otherwise it is the same.

Jim Bandura:

Question to the petitioner, what's the square footage of this house that's going up?

Nancy Washburn:

I'm Nancy Washburn here for Kari Kittermaster. I want to say this house is 2,600 square feet because it exceeded the requirement on Lot 26. It's a beautiful house by the way. I look forward to all of you going through and seeing all the upgrades and all of that.

Jim Bandura:

Thank you.

Thomas Terwall:

Any other comments or questions?

Wayne Koessl:

Mr. Chairman, move approval.

Jim Bandura:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO APPROVE THE CONDITIONAL USE SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

John Braig:

Before we move on, I'm looking at under the staff's conditions. Number 5, there shall be no display of streamers, banners, triangular flags, pennants, etc., etc., etc. We've had a violation of that requirement just north of the Village Hall here for some time. Is the staff aware of it?

Jean Werbie:

We are aware of it. We've asked them to take them down. Sometimes they come down and then they go back up. I don't have the staff to police it on a regular basis but any Plan Commissioner that sees those triangle flags can certainly bring it to our attention or take the flags down. They're not supposed to be there.

John Braig:

Thank you.

Jean Werbie:

Mr. Chairman, I would ask if we can take Items D and E together. They both relate to the Southshore project.

D. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION #07-25 to consider an amendment to a portion of the Tobin Road Neighborhood Plan for the area generally located on the west side of Sheridan Road at approximately 108th Street.

E. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the requests of Thomas Riley, agent for Kenosha Southshore Properties LLC, owner of the property generally located on the west side of Sheridan Road at approximately 108th Street for approval of and for approval of a Conceptual Plan for the development of 80 single family lots to be known as Southshore Subdivision. In addition, the Conceptual Plan includes an off-site regional stormwater retention facility on land owned by the Village on the east side of Sheridan Road at approximately 106th Street.

Jean Werbie:

The first item is Item D. It's a public hearing and consideration of Resolution 07-25 to consider an amendment to a portion of the Tobin Road Neighborhood Plan for the area generally located on the west side of Sheridan Road at approximately 108th Street.

Item E, also a public hearing, in consideration of a conceptual plan for the requests of Thomas Riley, agent for Kenosha Southshore Properties LLC, owner of the property generally located on the west side of Sheridan Road at approximately 108th Street for approval of a Conceptual Plan for the development of 80 single family lots to be known as Southshore Subdivision. In addition, the Conceptual Plan includes an off-site regional stormwater detention facility on land owned by the Village on the east side of Sheridan Road at approximately 108th Street. Again, both items are related to a similar project but separate action will be required on each of the items by the Plan Commission.

The petitioner is requesting approval of an amendment to a portion of the Tobin Road Neighborhood generally located at the southeast corner of STH 165 and STH 32 and approval of a Conceptual Plan for the proposed 80 single family lots to be known as the Southshore Subdivision. In addition, the Conceptual Plan includes an off-site regional stormwater detention facility on land owned by the Village on the east side of Sheridan Road at approximately 106th Street.

As some background information, in accordance with the Village Comprehensive Plan, this property is located within the Tobin Road Neighborhood and this neighborhood is classified as being within a Lower Medium Density Residential land use category wherein the lot areas within this particular neighborhood should range in size from 12,000 to 18,999 square feet per dwelling unit. This allows for areas of the Neighborhood to have larger lots while some areas to have smaller lots.

On May 24, 2004, the Plan Commission held a public meeting and approved a Neighborhood Plan for the Tobin Road Neighborhood. Again, at that time it was proposed to have single family lots and condominium units. The Conceptual Plan as conditionally approved indicated the 100 year floodplain in this area of the Village had not yet been delineated. As a result, the Village was concerned that there maybe be floodplain associated with a tributary of the Tobin Creek and its tributaries along the southern boundary of the development. We then required a more detailed floodplain study of this area.

During this same time period, the Village was working on preparing a Storm Water Management Plan for the entire Village. Also a more detailed evaluation was prepared by Hey and Associates

in March of 2005 for the Tobin Creek Watershed in the vicinity of the Southshore Development. The entire Tobin Creek Watershed is generally located north and south of Tobin Creek from 47th Avenue to Lake Michigan as shown on the slide. Hey and Associates used the HEC-RAS hydraulic models prepared for the Southshore Development analysis to determine flood stage changes in the reach from Sheridan Road to approximately 1600 feet upstream and also provided stormwater management alternatives for the development of this area.

The Village and the developer reviewed and evaluated the March 2005 Hey Report and Alternatives B-1 and B-2 were further examined by the developer's Engineer. Alternative B-1 indicated that a portion of Village land, about 200 feet by 1000 feet on the east side of Sheridan Road on the north side of Tobin Creek, could be used for a regional detention basin containing approximately 66 acre feet of floodwater storage and up to a 42 inch pipe could be installed under Sheridan Road which could reduce the flood stage on the Southshore property by one foot. Alternative B-2 indicated that an L-shaped detention facility could be used to contain approximately 75 acre feet of floodwater storage and installing a new 60-inch culvert at Sheridan Road could reduce the flood stages in the Southshore Development by approximately three feet.

A regional basin to handle the upstream storm water as it moves downstream through the Southshore property under Sheridan Road and eventually to Lake Michigan could help provide additional storm water benefits to the areas downstream of the Southshore Development and east of the Chicago Northwestern Rail Road within the Carol Beach Subdivisions. In heavy rain events the storm water would be retained in various subdivision retention basins through the Tobin Creek Watershed, and as it is released downstream it would be detained in the two regional detention basins as the storm water continued to flow east toward Lake Michigan.

The developer hired Hey and Associates to evaluate the Village's site for use as a regional detention basin for the Tobin Creek Watershed pursuant to the Alternative B-2. A wetland staking and environmental corridor staking were completed on the Village's property and meetings were held with the Wisconsin Department of Natural Resources and the Southeastern Wisconsin Regional Planning Commission to discuss this location for regional basin. Since the property was owned by the Village and the non-wetland areas were not accessible for residential development, this option was further examined by the developer.

The environmental agencies indicated that the identified site would be a workable site for a regional basin; however, due to budget constraints the Village was not in the position to design or install a regional basin at that time. Therefore, the developer was left with two options. One to develop their site and handle the large amount of upstream water that traverses the site on their property; or, two to construct an off-site regional basin on the Village land on the east side of Sheridan Road.

The developer's Engineer has evaluated the options and their Conceptual Plan now shows that two regional detention basins are proposed to be constructed. One basin is proposed to be constructed on Village owned land on the east side of Sheridan Road, Peggy is showing that to you, and the other is proposed to be located within Outlot 5 within the development. The developer is recommending that Outlot 5 be dedicated to the Village. A 54" diameter storm water pipe is proposed to be installed underneath Sheridan Road pursuant to an updated report prepared by Hey and Associates dated July 11, 2007.

The regional detention basin will handle the upstream storm water as it moves downstream through the Southshore property, under Sheridan Road and eventually to Lake Michigan. These basins will provide additional storm water benefits to the areas downstream of the Southshore Development and within Carol Beach Subdivisions. In heavy rains the storm water would be retained in subdivision retention basins throughout the Tobin Creek and as storm water is released downstream it would be detained in these two regional detention basins and then continue to flow east toward Lake Michigan at a controlled rate.

Now, getting back to the neighborhood plan amendment. The developer has re-examined the site and has determined that they would like to proceed with a single family development on the site rather than a mixed density residential development as conceptually approved by the Village in 2004.

The developer has decided to develop the entire site with 80 single family lots rather than 29 single family lots and 156 condominium units. This change will reduce the dwelling unit count within the neighborhood and on this site by 105 dwelling units thus reducing the overall net density within the neighborhood from 32,546 square feet per dwelling unit to 27,802 square feet per dwelling unit. As noted in accordance with the Village Comprehensive Plan, the Tobin Road Neighborhood is classified within the Lower Medium Density Residential land use category. There's a chart that you have in your staff comments that shows you the original neighborhood plan and then the proposed neighborhood plan, again, going from a certain number of units to a reduced number of units.

Projected population also would decrease from 1,971 in the entire neighborhood to 1,684. Projected school age children within the entire neighborhood would go from 453 down to 387, and public school age children would be reduced from 303 to 259.

The proposed amendment eliminated two street comments, one to the north. At one point we were going to have a connection from the condominium development directly north through the commercial development to Highway 165, and then a second connection at the southwest corner of this development site was going to be connected to the southwest. However, there are numerous environmental limitations at that location which prevented the interconnection.

So, under residential development, approximately 95 acres of land are proposed to be developed into 80 single-family lots and 6 Outlots. The staff is recommending that Outlots 1 and 6 shall be combined into 1 Outlot because they're not divided by any parcel lines. So Outlot 7 then would not be necessary. it would be renamed. The single family lots range in size from 12,514 square feet to 27,442 square feet with an average lot size in the proposed development just under 16,000 square feet. Lots 34 through 39 that abut the existing larger single family lots on Sheridan Road will be larger and deeper than the remainder of lots within the development and they would average just under 19,000 square feet, and that's along the east side of the development.

Outlots 1 and 6 within the development are recommended to be combined into one Outlot. It is labeled to be Dedicated to the Homeowner's Association for Open Space, Wetland Protection and Preservation, Woodland Protection and Preservation, Access and Maintenance Purposes. Outlots 2, 4 and 7, and again we're going to be calling 7 as 6, are proposed to be Dedicated to the Homeowner's Association for Stormwater Management, Retention Basin, Access and Maintenance Purposes. Again, even with the two regional detention basins they need three retention basins on site which will be the maintenance obligation of the homeowners association.

Outlot 3 is proposed to be Dedicated to the Homeowner's Association for Open Space, Woodland Protection and Preservation, Access and Maintenance Purposes. Outlot 5 is proposed to be Dedicated to the Village for Regional Storm Water Management, Detention Basin, Wetland Protection and Preservation, Woodland Protection and Preservation, Access and Maintenance Purposes. Again, Outlot 5 is along the southern portion of this development site.

The entire development provides for a net density of 1.56 units per net acre. At full build out within this development there would be 80 dwelling units, 219 persons and 50 school age children or 34 public school age children at full build out.

Under the zoning map amendment, the property is currently zoned R-4 (AGO), Urban Single Family Residential District with a General Agricultural Overlay District, and a portion is also zoned C-1, Lowland Resource Conservancy District. A Zoning Map Amendment will be required to zone the field delineated wetlands into the C-1 District, and the single family lots are proposed to be placed into the R-4.5, Urban Single Family Residential District. Outlots 1, 2, 3, 4, 5 and 6 would be put into the PR-1, Park and Recreational District with the exception of the wetlands which would be placed into the C-1.

The residential properties within the Tobin Creek North Subdivision which is directly south of the proposed development are currently zoned R-4.5, Urban Single Family Residential District, so it's the same residential district that we're proposing. The residential property with the Timber Ridge Manufactured/Mobile Home Park abutting the northwest corner of the site is currently zoned R-12, Manufactured Mobile Home Park District. The six existing single family lots abutting the property to the northeast area of the site are zoned R-4 Urban Single Family Residential District.

Each of the lots meet or exceed the minimum requirements of the R-4.5, Urban Single Family Residential District, which requires each lot to be a minimum of 12,500 square feet with 80 feet of frontage.

Open space within the development, approximately 56 acres or 59 percent of the entire site is proposed to remain in open space. The open space within the development includes wetlands, woodlands and other open space.

Under wetlands, there's quite a few wetlands on the very far west side of the site. They're identified in the greenish color on the slide. A total of 33.45 acres of the site were field delineated as wetlands in June 2002 and May 2003 by Alice Thompson of Thompson, Wetland Service and approved by Kathi Kramasz with the Wisconsin DNR on November 3, 2003. All the wetland areas are located within outlots and are labeled to be preserved and protected.

The Village Zoning Ordinance requires that structures be located a minimum of 25 feet from wetlands on the property and 10 feet from wetlands off the property; however, pursuant to the petitioner the Wisconsin DNR indicated that the WI DNR will require greater setbacks for the wetlands: a minimum setback of 30 feet to any wetlands for pavement and roofs being drained to the storm ponds and 50 feet if any pavement or roofs are being drained to the wetlands. The developer's Engineer has designed the site so that all pavement and roofs are being drained to the storm ponds thus a 30 foot wetland setback is being shown on the plans. The required wetland setbacks shall be clearly shown on the Preliminary and Final Plats, Landscape Plans and

Engineering Plans. The Preliminary and Final Plats shall also include the legal description of all wetlands.

Under woodlands, all trees greater than 8 inches in diameter that are proposed to be removed shall be identified on the Conceptual Plan, Landscape Plan and Engineering Plans. Approximately 13.5 acres of wooded areas located within the Outlots 1, 3 and 5 and along the rear lot lines of Lots 31 through 39, 53 through 67 and within Lots 71 through 73 are proposed to be preserved. These tree preservation areas will be required to be located in Tree Preservation and Protection Easement Areas. The easements shall be large enough to include the drip line of the trees. These Easements shall be clearly shown on the Preliminary Plat, Final Plat, Landscaping Plan and Engineering Plans and shall be legally described on the Preliminary and Final Plats. Penalties will be required by the Declaration of Restrictions, Covenants and Easements for removing any trees without permission.

Under navigable waterway on the very south end of the site, the Tobin Creek located south of the development is classified by the Wisconsin DNR as a navigable waterway. Peggy was just showing it to you on the slide. The location of the Ordinary High Water Mark shall be shown on the Preliminary Plat, Final Plat Landscape Plans and Engineering Plans. In addition, the location of the 75 foot shore setback and the 300 foot shoreland jurisdictional area will also need to be shown on all these plans. Depending on the disturbance proposed within the 300 foot jurisdictional area additional permits may be required from the Wisconsin DNR. A Stipulated Shoreland Permit is required for any disturbance within the 75 foot area, and the permit shall be applied for at the same time that an application is made for the Final Plat approval.

Under other open space, approximately 22 acres of other open space is located within Outlots 1 through 6 excluding the wetlands and it will remain as open space. A portion of Outlots 2 and 4 will be used for storm water retention facilities for this development and a portion of Outlot 5 will be used for a portion of the on-site regional storm water management facilities. The developer's Engineer evaluated the development site, based on actual field conditions and has presented a storm water plan which has been reviewed by the Village's engineering department.

In addition, and not included in the open space acreage, is a 35 foot wide dedicated landscape easement along Sheridan Road. Peggy is showing that to you now. And that will be for landscaping and undulating berms in order to help create a visual and a noise barrier buffer between the highway and these lots. The retention basin in Outlot 4 cannot be located within the easement area so we'll have to make some adjustments. The retention basin must be located a minimum of 35 feet from adjacent single family lots. So they do have a little bit of modifications to be made on the plat when that gets submitted.

Under bike and walking trail, pursuant to the Village's Park and Open Space Plan, a bike/walking trail will be located within the development and Peggy is going to show it to you. It will start at the south end of 14th Avenue in Outlot 5 within a 20 foot easement that will connect to the south in the future. The trail will then remain an on-street bike trail within 14th Avenue to 15th Court, continue on 15th Court to 14th Avenue, will remain on 14th Avenue until 106th Street and will be located within a 20 foot easement on Lot 44 for a future connection to 104th Street. The easements within Outlot 5 and Lot 44 are labeled as being Dedicated to the Village for a Bike/Walking Trail, Access and Maintenance Area.

The off street trails on Lot 44 and within Outlot 5 shall be constructed as part of the required public improvements. The bike/walking trail shall be a 10 foot wide asphalt path centered within the easement and will be required to be installed with the required first phase of public improvements. In addition, signs shall be installed that indicate that the bike/walking trail will be extended in the future. Further discussion is warranted related to the required on-street bike trail markings within the Village's public road right-of-ways.

Under public improvements, the first is municipal water. It is located in Sheridan Road at 107th and 109th Streets and shall be extended in all roadways. A 10-year right-of-recovery could be afforded to the developer for the installation of municipal water within 107th Street as noted by Peggy on the slide. That would provide water service for the existing homes on Lots 2 and 3 of CSM 1352 owned by the Wilson Family Trust. If, after holding a special assessment hearing, the project is approved by the Village Board, then the special assessments would be levied on these properties. The actual costs for such improvements shall be provided at the time the final engineering is completed. A Special Assessment hearing for the off-site municipal water improvements will need to be scheduled by the Village Board related to these pending costs prior to approval of the Final Plat. The existing properties on the north side of 107th Street are not required to connect to municipal water; however, the adjacent property owners would be required to pay the water special assessment costs if they choose to connect to the municipal water, or if any new homes are constructed, or if any land division is proposed then special assessment will be required to be paid prior to recording a CSM.

Under municipal sanitary sewer, it will be extended into the development from Sheridan Road at 107th and 109th Streets and, again, extended in all roadways within the development at the developer's cost. The existing properties on the north side of 107th Street are already connected to sanitary sewer; therefore, the developer cannot request any type of right-of recovery for sanitary sewer.

Under storm water and storm water management, this subdivision has a significant dependence on the storm water management plan as discussed previously. Storm sewer will be located throughout the development. Retention facilities will be located within Outlots 2, 4 and 6. In addition, the developer's engineers have evaluated the options to develop their property and are proposing to construct two regional storm water basins as well. One basin will be on their property and the other would be east of Sheridan Road on the Village's property.

Under regional detention facilities, the developer's engineers have evaluated the options and the Conceptual Plan does show two regional detention basins which will be constructed. One basin is proposed to be constructed on Village owned land on the east side of Sheridan Road and the other is located within Outlot 5, and a 54 inch diameter pipe is proposed to be installed in Sheridan Road pursuant to a updated report prepared by Hey and Associates dated July 11, 2007.

The regional detention basins will handle the upstream storm water as it moves downstream through the Southshore property under Sheridan Road and eventually to Lake Michigan. This will help to provide additional storm water benefits to the areas downstream of the Southshore Development and east of the Chicago Northwestern Rail Road within the Carol Beach Subdivisions.

The regional detention facilities will be required to be constructed as part of the first phase of the required public improvements for the Southshore. A right-of-recovery could be afforded to the developer for the installation of the regional detention facilities being constructed by the

developer, if, after holding a special assessment hearing, the project is approved by the Village Board. The actual costs for such improvements shall be provided at the time the final engineering is completed. A Special Assessment public hearing for the regional detention facilities will need to be scheduled by the Board related to these pending costs prior to approval of the Final Plat.

In roadway improvements, in order to efficiently, effectively and safely move traffic into, out of and throughout the subdivision, it is proposed that there be two roadway connections to Sheridan Road are required by the Village Land Division and Development Control Ordinance. Permits will be required to be obtained from the Wisconsin Department of Transportation. By-pass and deceleration/ acceleration lanes are required by the Wisconsin DOT at these two entrances.

The driveway access to the two parcels owned by the Wilson Family Trust north of 107th Street will need to be relocated onto 107th Street by the developer at the developer's expense including removing the existing driveway and restoring the property. The engineering plans shall indicate how and where the driveways will be relocated. In addition, the address of the home located on Lot 3 of CSM 1352 and further identified as Tax Parcel Number 93-4-123-302-0246 which has no frontage on Sheridan Road will need to be assigned a new address on 107th Street. The address change will occur at the time the Final Plat is considered. For construction access, construction access for installation of public improvements and house construction can utilize 107th or 109th Streets.

Under fiscal review, a fiscal impact analysis shall be completed by the Village for the proposed development as it relates to the tax dollars collected from the development and the level of services required to serve the development. Some further discussion is warranted with the developer related to a cost sharing agreement/donation to the Village to address any shortfalls in funding/fees collected for police, fire, EMS, public works and transportation needs as a direct result of this development. Again, I'm referring to the additional \$891 per unit that with other developments is paid at the time of the lot sale or lot transfer or building permit, whatever comes first.

With that, I'd like to continue the public hearing. Actually we have two. The first is on the Tobin Road Neighborhood Plan amendment, and the second is the consideration of the conceptual plan for the Southshore properties.

Thomas Terwall:

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

Mike Cenni:

Hi, Mike Cenni, 11101 8th Avenue. I'm not at all against the retention. I had a couple questions on the one on the east side. The first question is this something that is going to retain water like a lake and how deep would it be?

Bob Martin:

Essentially they will not be ponds. When there are large flows—

Mike Cenni:

I'm aware of how a retention pond works. The reason I ask that is if you dig anything in that area in the spring, and I'm just wondering and I'm not against it at all, I just was wondering how it's going to be dug out.

Bob Martin:

They have to be lined if they run into that issue.

Mike Cenni:

The other question I had is beyond the pipe I see is on there an 18 inch pipe. The pond goes up to the Northshore tracks on the east side, I mean the Northwestern tracks on the east side, is that correct, the roadway?

Bob Martin:

I don't think it goes quite up to the tracks but it's in that general vicinity.

Mike Cenni:

The 18 inch outlet pipe where does it outlet to?

Bob Martin:

It goes back into Tobin Creek.

Mike Cenni:

Right, at what point? The reason I ask is my property abuts the only bridge in that area where the creek goes under the train roadway.

Bob Martin:

The peak flows are going to be reduced significantly with the creation of the pond. So what they do is take in a lot of water and then they kind of bleed it out similar to what a bathtub does in essence and that's all they do. So you'll probably see less water.

Mike Cenni:

Again, I totally understand that. The reason I'm bringing it up is there's a significant erosion at that point right now from Tobin Creek eating into the roadway of the Northwestern Railroad. It's creating an oxbow actually. I'm wondering if that's going to be part or addressed. Like I said I'm not against this at all, I'm just at the public hearing it's time to ask about it.

Bob Martin:

Sure. I think that's not an issue. These are conceptual plans right now at this point. So they're really meant to address the overall. Technically the pond should improve quite a few things downstream because you're not going to have the velocities with the full flow. The settlement will more likely be reduced. That's why the DNR has an interest in streams that don't get eroded. This does help that also.

Mike Cenni:

That's pretty much the only questions I have.

Thomas Terwall:

Thanks, Mike. Anybody else? Anybody else? Anybody else? Hearing none I'll open it up to comments and questions from Commissioners and staff.

Mike Serpe:

For a conceptual plan this one really stands out and it stands out for a number of reasons. One, the lot sizes, number two, the amount of open space involved which is huge. Almost 60 percent of entire development is open space. Number three, the benefit that these retention basins are going to have for the Carol Beach area, which has always been a problem for the Village and the residents down there. So initially this looks definitely good. I know there's got to be a lot of engineering done and there's got to be a whole lot of wholesale changes that are going to have to take place before this comes to fruition, but as it looks on paper right now it looks very, very nice.

John Braig:

I guess this isn't a question as much as a concern. I've got three items in mind. One is storm water, period. I guess the conceptual aspect it's not a problem now but we certainly will be looking for the Village Engineer to review and be comfortable with all the items that are going to be included in this.

The second item is the tree survey. It appears as though there's been something of a tree survey. I would want to see the details.

And the last one is the discussion of the impact fees. The developer should be well aware of the attitude or the positions of the Commission on improving something unless it's properly funded.

Wayne Koessl:

Mr. Chairman, I think as a conceptual plan it's a great step forward. And if the other Commissioners don't have any comments I would move approval of Resolution #07-25.

Mike Serpe:

Second.

Thomas Terwall:

Before I take a vote I have a question. Will the Village be responsible for the large retention basin on the east side of Sheridan Road? That's a Village responsibility?

Bob Martin:

That's my understanding. It's a regional.

Thomas Terwall:

And is that going to be retention or detention?

Bob Martin:

Those only take water during larger storm events and then it goes dry. So they just detain the water so they don't retain it.

Thomas Terwall:

So you won't have a pump in there or anything?

Bob Martin:

Correct.

John Braig:

Is that comparable to 85th Street around 42nd or 41st Avenue?

Bob Martin:

Yes, just on 39th there's one at the bottom of the hill.

Thomas Terwall:

However, within the subdivision itself those will be retention basins, right?

Bob Martin:

That's correct.

Thomas Terwall:

And those will be the responsibility of the property owners?

Bob Martin:

That's correct.

Thomas Terwall:

We need to make sure—I'm getting tired of these darts. I'm almost bleeding to death every time I read the *Kenosha News* on Sunday and I want to make dog gone sure that the property owners are aware of what their responsibilities are. It's interesting, in any subdivision I've ever lived it's been part of my homeowners association dues to pay for my pond. But evidently the *Kenosha News* and 11 people don't think they should pay for theirs. I'm not about to be willing to chip in. But I think we need to make dog gone sure that the people are aware of what their responsibility is because these darts are getting painful. **IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE THEN TO APPROVE RESOLUTION 07-25. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. We need a motion then for the conceptual plan.

Wayne Koessl:

So moved, Mr. Chairman.

Mike Serpe:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO APPROVE THE CONCEPTUAL 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. You want to take F and G together, Jean?

Jean Werbie:

Please.

F. PUBLIC HEARING AND CONSIDERATION OF A FLOODPLAIN BOUNDARY ADJUSTMENT for the request of Ted Pickus, agent for Prairie Trails, LLC owner

of the properties generally located north of 128th Street between the Kenosha County Bike Trail (approximately 30th Avenue) and 26th Avenue to remove 23,653 cubic feet of 100-year floodplain and to create 24,742 cubic feet of 100-year floodplain in the southern portion of the proposed Prairie Trails East Subdivision.

G. PUBLIC HEARING AND CONSIDERATION OF A FINAL PLAT for the request of Ted Pickus, agent for Prairie Trails, LLC owner of the properties generally located north of 128th Street between the Kenosha County Bike Trail (approximately 30th Avenue) and 26th Avenue for the proposed first stage of the Prairie Trails East Subdivision including 84 single family lots and nine (9) outlots.

Jean Werbie:

Mr. Chairman, the first item is the consideration of a floodplain boundary adjustment at the request of Ted Pickus, agent for Prairie Trails, LLC, owner of the properties generally located north of 128th Street between the Kenosha County Bike Trail, which is approximately 30th Avenue, and 26th Avenue to remove 23,653 cubic feet of 100-year floodplain and to create 24,742 cubic feet of 100-year floodplain in the southern portion of the proposed Prairie Trails East Subdivision.

The second item is a public hearing and consideration of a final plat at the request of Ted Pickus, agent for Prairie Trails, LLC, owner of the properties generally located north of 128th Street between the Kenosha County Bike Trail and 26th Avenue for the proposed first stage of the Prairie Trails East Subdivision including 84 single family lots and nine outlots. These items are related and will be discussed at the same time, however, separate action is required.

Under some background information, the Village Comprehensive Plan compliance, the proposed Prairie Trails East Subdivision is located within the south central portion of the Sheridan Woods Neighborhood. The Sheridan Woods Neighborhood is shown on the slide. The Sheridan Woods Neighborhood is generally located between 116th and 128th Streets and between Sheridan Road and 39th Avenue. The Village's Comprehensive Land Use Plan indicates that portions of this neighborhood are likely to be developed prior to 2010. If and when the neighborhood develops, it should be developed with densities within the Lower-Medium Residential Land Use category, with average lot areas per dwelling unit ranging from 12,000 square feet to 18,999 square feet. The Prairie Trails East Subdivision Conceptual Plan, Preliminary Plat and proposed Final Plat Plan complies with the Comprehensive Land Use Plan and the approved Sheridan Woods Neighborhood Plan.

For the Prairie Trails East Development, on February 6, 2006 the Village Board adopted Resolution #06-09 to approve the Preliminary Plat to develop the approximate 117.6 acre property into 146 single family lots and eight outlots as shown on the slide. The single family lots meet the minimum requirements of the R-4, Urban Single Family Residential District. Approximately 37 acres or 32 percent of the entire site is proposed to remain in open space. The open space within the development includes 5.4 acres of public park, approximately 9.6 acres of wetland, and approximately 22 acres of other open space which includes 4.6 acres of 100-year floodplain.

Stage 1 of the Prairie Trails East Subdivision, approximately 117.6 acres of land are proposed to be subdivided into 84 single-family lots and nine outlots. Outlots 1, 2, 5 and 7, as shown on the

slide, are proposed to be Dedicated to the Prairie Trails East Property Owners Association for Stormwater Drainage, Retention Basin, Open Space, Access and Maintenance Purposes. Outlots 3 and 8 are proposed to be Dedicated to the Prairie Trails East Property Owners Association for Wetland Protection and Preservation, Open Space, Access and Maintenance Purposes. Outlot 4 is proposed to be Dedicated to the Village for Sanitary Sewer Lift Station and Maintenance Purposes is what we'll be using it for. Outlot 6 is proposed to be Dedicated to the Village for Tree Protection and Preservation, Park and Open Space Access and Maintenance Purposes. Outlot 9 is proposed to be Retained by the Developer for Future Development Purposes pursuant to the Preliminary Plat as approved by the Board on February 6, 2006 pursuant to Resolution #06-09.

The single family lots within Stage 1 range in size from 33,072 square feet to 15,001 square feet per lot with the average lot size of 18,584 square feet. Each of the lots meets or exceeds the minimum requirements of the R-4 District in that they're all at least a minimum of 15,000 square feet with 90 feet of frontage and all lots shall have a lot depth of at least 125 feet. Stage 1 of the development provides for a net density of 1.41 units per net acre.

Under population projections, the estimated population projections at full build out is 146 dwelling units, 399 persons, 92 school age children or 61 public school age children. Tonight we're looking at Stage 1. With Stage 1 there would be 84 dwelling units, 229 persons it's estimated, and 53 school age children or 35 public school age children.

Under open space within Stage 1 of the development, it includes a public park, wetlands, floodplain, retention and other open space uses. Under public park, pursuant to the Preliminary Plat and Conceptual Plan, a 5.4 acre Neighborhood Park is proposed to be located in the northeastern portion of this property shown as Outlot 6. Outlot 6 will be dedicated to the Village for a public park, walking trails and woodland protection purposes. In the fall of 2005, the Village's Park Superintendent walked this area and recommended that in the southwest corner of the Outlot, where there is an open area a playground can be constructed without removing any large trees, the area would need to be graded and seeded. In addition it is recommended that mulched trails should be installed through the woods. The developer will be required grade this open space area and seed the area for the park purposes as part of the first phase of public improvements.

Under wetlands, a total of 9.66 acres of wetlands are located within Outlots 1, 3, 5, 6 and 8. These wetlands are all proposed to be preserved. A portion of the wetlands within Outlot 1 is also located within the 100-year floodplain. The wetlands on Outlots 1, 3, 5 and 6 were identified in the field by SEWRPC staff biologists on December 14, 1999, and the wetlands on Outlot 8 were identified in the field on June 11, 2003 by Alycia Klunenberger and Scott Kuykendal of Hey and Associates. The Village has received concurrence from the Wisconsin DNR on the second staking on February 3, 2004).

Under floodplain, pursuant to the Village Federal Insurance Rate Maps as prepared by FEMA, Federal Emergency Management Agency, a portion of this property is located within the 100-year floodplain. However a detailed floodplain study has not yet been completed for this property so FEMA's FIRM maps indicate that a base flood elevation is not yet determined. As a result, the developer hired a consultant, M Squared Engineering, LLC, to prepare a Floodplain Analysis Study for this unnamed tributary to Lake Michigan and to prepare a request to amend the 100-year floodplain. This Study and the Floodplain Boundary Adjustment has been prepared by the

development consultant and has been reviewed and approved by the SEWRPC as indicated in the attached letter dated November 18, 2005 and was approved by the Wisconsin DNR as indicated on the attached letter dated August 21, 2007.

The proposed floodplain boundary adjustment proposes to fill 23,653 cubic feet of 100-year floodplain within a portion of Lots 1, 2 and 6, within a portion of Outlots 1 and 2 and within a portion of 128th Street, 28th Avenue and 128th Place. The proposed floodplain boundary adjustment proposes to create 24,742 cubic feet of 100 year floodplain within a portion of Outlot 1. So there's more floodplain being created than being filled.

According to the Village's Floodplain Ordinance the Village shall not permit amendments to the floodplain boundary that are inconsistent with the purposes of Section 420-131 of the Village Zoning Ordinance, or in conflict with the applicable rules of the Wisconsin DNR or FEMA. The amendment to the 100-year floodplain complies with all of the requirements set forth in the staff memo and as set forth in the Village Zoning Ordinance.

Upon the Village approval of the proposed amendment, a certified copy of the amendment will be submitted to the DNR for their final administrative review and approval. The developer will be responsible for transmitting all the required information to FEMA for their review and approval and request a Letter of Map Revision known as a LOMR and a Conditional Letter of Map Amendment known as a CLOMA prior to adjustment.

The CLOMA shall be submitted to the Village prior to the Village Board consideration of the Final Plat for Stage 1 of the development. The developer will be required to obtain Village Board approval of the Floodplain Boundary Adjustment and then resubmit a certified copy of the Village's approval to the DNR for their final approval pursuant to their August 21, 2007 letter prior to submitting to FEMA for review and issuance of LOMR and CLOMA.

The developer is requesting that rather than the Village Board considering the final plat and all related documents within 60 days of submittal of the Final Plat time period that's required by statute, the developer can and is requesting an 120-day extension from the date the final plat was submitted to satisfy all the conditions and for the Village Board to consider the final plat, engineering plans, development agreement and related documents. Village staff is recommending approval of this time frame extension. So what would happen is the Board would actually consider the time frame extension prior to them actually considering the final plat, and that is allowed and typically required by statute so that we don't bypass the time frame.

As part of the mass grading and installation of the Phase 1 required public improvements, the developer will complete the necessary work to adjust the location of the 100-year floodplain. Upon completion of the floodplain boundary adjustment the developer will be responsible for submitting a topographic as-built map with soil calculations specifically identifying the locations and volumes of the cut and fill areas. The developer shall submit and receive a final LOMA from FEMA. Upon receiving these documents, the developer shall request a Zoning Text and Map Amendment to amend the Floodplain Text of the Zoning Ordinance and to amend the Floodplain Zoning Map. This is a very similar procedure that we've approved for Creekside Development and Prairiewood and a number of other projects that are going through this floodplain boundary adjustment process.

A Certificate of Compliance with the floodplain boundary adjustment shall not be issued by the Village until the Text Amendment is approved by the Village. Building and zoning permits shall not be issued for homes on Lots 1, 2 and 6 until the FEMA Certificate of Compliance is received by the Village and the Zoning Map is amended. Upon completion of the floodplain boundary adjustment there will be approximately 4.6 acres within the 100-year floodplain within the development.

Under retention areas, the developer's engineer has evaluated the development site, based on actual field conditions and has presented a final, detailed storm water management facility plan, which meets the Village requirements for the Village's review as a part of the engineering. Six retention facilities to handle the storm water management facilities have been provided.

Under tree preservation, Tree Protection and Preservation, Access and Maintenance Easements have been identified on Lots 29-31, 51 and 67-68 and Outlots 1, 5, 6, 7 and 8. The wooded areas shall be protected throughout the construction and the house building process with construction fencing and erosion control fencing. They also do have a provision in their declaration of restrictions, covenants and easements that guard against tree cutting with penalties.

Under zoning map amendments, the following Zoning Map Amendments were approved on February 6, 2006 as Ordinance #06-03. The first is that the field delineated wetlands were rezoned into the C-1 District. The non-wetland areas within the Outlots were rezoned into the PR-1, Park and Recreational District, and the single family lots were rezoned into the R-4, Urban Single Family Residential District. The floodplain on the property has not yet been finalized. As discussed they do need to go through the process that I have described and then request a floodplain boundary adjustment, zoning text and map amendment when that is completed.

Under construction and site access for Stage 1, construction access for the installation of public improvements and house construction shall be from 128th Street at 28th Avenue. Non-construction access to the site will be provided and allowed at 26th and 28th Avenues. Signs and barricades will be required as a developer expense to prohibit construction traffic from using 26th and 28th Avenues. That being said there is one exception and that is I'll be talking about municipal water that does need to be extended in 26th Avenue northward from the development. And we will need to have construction vehicles come from the south into 26th Avenue to be able to do that work.

For public improvements for Stage 1, the entire development shall be serviced by municipal sanitary sewer, water and storm sewer. The following off-site improvements are proposed: All required improvements to 128th Street, which is Russell Road, as required by Lake County will be the responsibility of the developer. Municipal water shall be extended on 26th Avenue to the north and interconnect to the existing municipal water on 26th Avenue at 119th Street. Water laterals to service the existing homes and lots on 26th Avenue as indicated in the chart in the staff comments shall be installed by the developer only upon the request of and direct payment by the property owners to the developer.

The developer shall contact each property owner in 26th Avenue to determine whether a water lateral is being requested. A 10-year right-of-recovery could be afforded to the developer for water improvements to be installed on 26th Avenue if, after holding a special assessment hearing, the project is approved by the Village Board. The actual costs for such improvements shall be provided to the Village for review. Property owners with existing homes will be required to pay

the water special assessment costs only if they choose to connect to the municipal water main. Also, any new homes will be required to connect to municipal water and pay the special assessment prior to connecting to the water main and any new lots created on 26th Avenue will be required to pay the special assessment prior to recording the CSM. A special assessment public hearing for the off-site municipal water improvements will need to be scheduled by the Village Board related to these pending costs prior to approval of the final plat.

Additional roadway improvements are required on 26th Avenue north of the development to 119th Street. A 20 foot rural roadway cross section will be rebuilt with a 12 inch base and 5 inches of asphalt. This shall be completed after the water is installed, inspected, tested and accepted by the Village as part of the required first phase public improvements. 28th Avenue extending north from the subdivision shall be tapered north of the property line to interconnect to the existing roadway north of the development.

The engineering plans shall be reviewed and approved by Kenosha County for the extension of municipal water within the limits of the Kenosha County Bike Trail. Easements shall be submitted to Kenosha County for the approval of the extension of the water. The easements shall be executed and recorded prior to approval of the Final Plat for Stage 1. A copy of said recorded easement shall be provided to the Village.

Easements shall be dedicated to the Village for the extension of municipal water between lots 40 and 41 at the very northwest corner of the development property. This would be to extend municipal water to the Orchard Development just to the immediate north of this project. The engineering plans currently do not show that the developer will be installing the water main in this easement. The idea is that the Orchard will coordinate for the payment and for the installation of that water main while this subdivision is under construction so they don't have to go back and disturb Lots 40 and 41.

The Wisconsin DNR and the Federal Department of Interior have indicated to the Village that they will not permit a public roadway crossing of the Kenosha County Bike Trail as previously required by the Village Board. However, Kenosha County is allowed to grant a right of entry from the east side, 30th Avenue, of the bike trail to the west side, 122nd Street, of the bike trail for access for emergency and public safety vehicles. This access will be paved and be gated to prohibit the use of the crossing by the general public. The gates will be opened electronically by authorized personnel only. Upon the Villages acceptance of the crossing, the emergency access lane will be maintained by the Village and the Village snow plow crews will plow the access crossing during the winter months. The developer will be responsible for installing and maintaining the gates, bollards, the required electronic equipment and touch pads along with providing and paying for the electricity and any required signage located adjacent to the bike trail. The developer will be responsible for the maintenance costs associated with the gates until this responsibility is transferred to the Property Owners Association. On May 15, 2007 the County Board approved the right of entry. A copy of this approval as executed by Kenosha County on May 16, 2007 has been submitted to the Village.

The first stage of the development will require temporary cul-de-sacs to be constructed at the temporary terminus of 120th, 126th and 127th Streets. The stars on the slide show where all the temporary turnarounds will be located, as well as 29th Court. These are temporary dead ended streets that are intended to be extended with the second stage of the development or when adjacent land develops to the east. The temporary cul-de-sacs at the eastern terminus of 123rd

and 126th Streets will be required to be removed by the developer of the adjacent land. The temporary cul-de-sacs at the western terminus of 29th Court and 127th Street will be required to be removed at the time Outlot 9 is developed by the property owner at the developer's expense.

The developer is proposing to temporally stockpile topsoil for up to two years from the date of final approval of Stage 1 on the eastern portion of Outlot 9 as shown on the slide and in your packets. Again, we've indicated that we would like to see these stockpiles removed in a short period of time, that they don't remain on the site indefinitely.

Under fiscal review, Police, Fire, EMS and Public Works Cost Sharing Agreement: In addition to the impact fees due at the time of building permit, the developer has agreed to a cost sharing agreement to donate \$891 per housing unit as a cost sharing contribution for each of the residential units within the development to address current shortfalls in funding and fees collected for police, fire, EMS and public works impact fee needs as a direct result of this development. 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. Only one payment is due per residential unit.

And finally, also a park donation agreement, the developer has agreed to donate approximately 5.4 acres of park land identified as Outlot 6 for tree preservation and public park/walking trail purposes. The developer has agreed to donate this land to the Village. There was a walkthrough with the Park Superintendent to identify where the park open space areas could be for some equipment in the future as well as where the trails would be located within the outlot. And, finally, identified under fiscal review the developer is also donating Outlot r where the lift station site is going to be located with this development.

With that, we do have two public hearings, the first of which is the consideration of a floodplain boundary adjustment, and the second is consideration of the final plat and related documents.

Thomas Terwall:

Anybody wishing to speak on either of these items? Yes, sir.

Mike Renner:

Mike Renner, 3211 122nd Street. I just want to take a moment to review some of the previous information in regards to Prairie Trails East Subdivision and make some general comments. During initial meetings about Prairie Trails East and the bike trail crossing, we were told that in 1990 the Village had permission from the County to cross the bike trail. When I asked the County for documentation they said there was none and the Village didn't have a permit from the County. I was then informed that the permit required approval from the federal government through the DNR and County due to a 1977 federally funded grant for the bike trail and that the Village had been informed of these requirements.

We also heard at these early Village meetings that if the public road crossing of the bike trail didn't occur then the land shouldn't be developed. In addition, we were told that no connection to Prairie Trails East across the bike trail would occur until Stage 2 was complete.

Then in 2004 the Village Board approved no crossing of the bike trail and installation of bollards at the intersection of 122nd Street and 32nd Avenue. As an aside, I've heard more than once and by more than one Village representative in response to citizens' concerns that the Village is early in the process and that things can change before final approval. But the Village was ready to install these bollards at the conceptual plat stage as the Village had work crews out marking the street for installation. This was going to occur even before the preliminary and final plats were approved.

In addition, Mr. Pollocoff stated during this meeting, and I'm going to paraphrase, one of the things we've indicated to the developer is that for access on those roads, meaning 26th and 28th Avenues, one of the things that the developer is going to need to plan for is improvement to the road. He's going to have to make that financial decision whether or not he can improve two roads to the north between the current dead ends up to 116th Street and pay the cost of those improvements.

Then in 2006 the Village Board approved the preliminary plat that included the crossing of the bike trail that also required the developer to construct some type of barrier around Prairie Trails West pond. In October 2006 the Village was informed that the DNR and the County would not allow a conversion of the bike trail to allow public roadway and the Village could apply for a permit for emergency crossing only and that was approved in May of this year.

So how are all these previous Village Board approvals addressed? If one looks at what the Village Board has approved it's a jumble of yes to crossing, no to crossing with bollards, yes to full public roadway crossing but with a barrier around the pond. As far as I know, the emergency only crossing hasn't been formally approved. I guess I don't understand what all the preliminary approvals are for when things change too much. Previous approvals don't even appear to matter until you get to final plat. Also, where are the improvements of 26th and 28th Avenues from the dead ends to 116th Street.

We hear sometimes mentioned that these plats can be approved if the developer agrees to terms and conditions set forth in some letter. What are these terms and conditions and where are these letters? We don't hear about these or see these during the meetings yet they get approved without being completed. Shouldn't the approvals wait until the public has had a chance to see these and make comments? Shouldn't you wait until the developer has completed with all the requirements before the Village approves a final plat? I also see that the floodplain is being moved and the numbers of homes adjusted and changed in their location and wonder why these weren't addressed during previous approvals.

I still don't see the need for this bike trail crossing. As was mentioned at previous Village meetings, 26th and 28th Avenues are to be improved by the developer. 116th Street was mentioned as one of the first roadways in the Village in 2009 to be improved with newly available road funds. 39th Avenue has been improved and Russell Road is currently being approved with the latter three roads having higher speed limits than residential areas. How many homes will actually be built and be inhabited before 2009? Why make the developer pay for the installation of an emergency crossing in which at this time I had the Village dollars has to use tax dollars to maintain, but now I'm finding out it's the property owners association for an emergency only use of perhaps two to three times a month and at an increased risk to bike trail users by emergency vehicles and snowplows?

Lastly, if you think you have issues with the detention ponds, wait until you turn over maintenance to the property owners association for the bike trail crossing gates. Thank you.

Thomas Terwall:

Anybody else? Is there anybody else? Hearing none, I'm going to open it up to comments and questions from Commissioners and staff.

John Braig:

I'm getting old my memory sometimes clouds, but in the discussion of crossing the bike trail I thought there was sort of a general consensus coming from the audience that they didn't want traffic crossing it but emergency vehicle crossing would be acceptable. As I look through the literature that we got this is going to be a pretty dog gone substantial gate which you can't get through unless you've got the code or the key or the electronic device. It's going to be a significant barrier. I don't want to argue with you, Mike, but it seems as though you don't find this acceptable and I'm assuming you're representing more than yourself is that correct? You want to respond to it, Mike?

Mike Renner:

Although I'm President of the homeowners association tonight I'm just speaking for myself.

Mike Serpe:

With reference to the crossing for emergency purposes only, I was fortunate to have provided emergency services to the City of Kenosha for 28 years, and I can tell you that crossing for emergency purposes from one subdivision to the other is a godsend. It's an absolute necessity. Nothing could be worse for an officer or somebody in distress that they can see the house but can't get there for four or five minutes. That's for fire, rescue and police, and for anybody to oppose an emergency only crossing for public safety reasons I don't understand that.

John Braig:

I can support you, too, in that, Mike, because we had an emergency situation in our neighborhood last week and vehicles arrived from two directions it was noted.

Thomas Terwall:

What's your pleasure?

Judy Juliana:

Move to approve the floodplain boundary adjustment.

Mike Serpe:

Second.

Thomas Terwall:

MOVED BY JUDY JULIANA AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO APPROVE THE FLOODPLAIN BOUNDARY ADJUSTMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. The second one is a motion to approve the final plat.

Wayne Koessl:

So moved, Mr. Chairman.

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 FINAL 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.

H. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend section 420-137 E of the Village Zoning Ordinance related to the minimum area requirements to develop a residential property as a Planned Unit Development.

Jean Werbie:

Mr. Chairman, this is a public hearing in consideration of a zoning text amendment to amend section 420-137 E of the Village Zoning Ordinance related to the minimum area requirements to develop a residential property as a Planned Unit Development.

Section 420-137 of the Village Zoning Ordinance provides specifications for a PUD, Planned Unit Development Overlay District, to be created. A PUD Overlay District is a specific ordinance for a specific property that allows for flexibility of overall development design, with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining, insofar as possible, the land use density and other standards or use requirements set forth in the underlying basic use district.

A PUD Overlay District provides for developments to create a safe and efficient system for pedestrian and vehicle traffic; to provide attractive open spaces; to provide for development opportunities to be designed to protect, enhance and benefit from unique environmental features on a site; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning.

The current ordinance sets forth that a PUD Overlay District can be created provided the minimum PUD areas are met based on the proposed use including:

| Principal Use | Minimum Area of PUD |
|---------------------------------------|---------------------|
| Residential planned unit development | 10 acres |
| Commercial planned unit development | 3 acres |
| Industrial planned unit development | 40 acres |
| Agricultural planned unit development | 15 acres |

On September 10, 2007 the Plan Commission adopted Resolution #07-22 to initiate a zoning text amendment to evaluate the minimum area for a PUD to be created for residential land uses on sites that are less than 10 acres. The proposed amendment proposes to allow residential planned unit developments be created for properties within a minimum lot size of one acre. This is a matter for public hearing.

One of the other things let me just mention briefly before you start is that in order to have more than one building per property it requires a PUD. So even if there's a one acre site and you want to put two duplexes on it you have to have a PUD to do that. So for that reason because the minimum typical lot size for a duplex is 20,000 square feet, that we brought this one acre minimum for the residential PUD to you. Keep in mind again that PUDs do not have to be approved by this Village. It's under your review and discretion that PUDs are approved. So 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? Anybody wishing to speak? Anybody wishing to speak? Hearing none I'll open it up to the Board.

Mike Serpe:

Move approval.

Andrea Rode:

Second.

Thomas Terwall:

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

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

- I. Consider Plan Commission Resolution #07-26 to initiate a Zoning Text Amendment related to the minimum roof pitch of 4:12 on dwellings and the Zoning Administrator's approval authority related to the reduction of the minimum roof pitch of 4:12 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:

Plan Commission Resolution 07-26 is to initiate a zoning text amendment related to the minimum roof pitch of 4:12 on dwellings and the Zoning Administrator's approval authority related to the reduction of the minimum roof pitch of 4:12 in the R-1 through R-11 single family and multiple family residential zoning districts.

The resolution you have before you is a resolution that initiates the process by which the zoning text amendment can properly and promptly be evaluated by the Village staff and brought forth back to the Village Plan Commission for their consideration. Pursuant to the Plan Commission's request, the staff is proposing to evaluate the single family and multiple family residential design standard zoning regulations in the R-1 through R-11 zoning districts related to the minimum roof pitch of 4:12 on dwelling units, and the Zoning Administrator's approval authority related to the reduction of that minimum roof pitch of 4:12.

This resolution then indicates that the Plan Commission hereby initiates and petitions to amend the general zoning ordinance as it relates to minimum roof pitch of 4:12 on dwellings and the Zoning Administrator's approval authority related to the reduction of minimum roof pitch of 4:12 in the R-1 through R-11 districts. These proposed changes in the zoning ordinance text are hereby referred to the Village staff for further study and recommendation.

The Plan Commission is not by this resolution making any determination regarding the merits of the proposed changes in the text but is only initiating the process by which the proposed changes and the zoning text can be promptly evaluated. With that, the staff recommends approval as presented.

John Braig:

Move approval.

Judy Juliana:

Second.

Thomas Terwall:

**MOVED BY JOHN BRAIG AND SECONDED BY JUDY JULIANA TO APPROVE
RESOLUTION 07-26. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

7. ADJOURN.

John Braig:

So moved.

Jim Bandura:

Second.

Thomas Terwall:

All in favor say aye.

Voices:

Aye.

Meeting adjourned at 6:55 p.m.