

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
November 12, 2007**

A meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on November 12, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti and Judy Juliana. Also in attendance were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator

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

Jean Werbie:

Mr. Chairman, I just have one piece of correspondence, and actually it's the invitation for the Pleasant Prairie Village Green Center Café Number One which is this Thursday here at the Village Hall. The Café begins at 5:45 with a light dinner, and the round table discussions starting at 6:30 that evening. I would encourage anyone and everyone to attend. We'll be talking about the future of the Village Green and the creation of a downtown for Pleasant Prairie.

- 4. CONSIDER THE MINUTES OF THE OCTOBER 22, 2007 PLAN COMMISSION MEETING.**

Wayne Koessler:

Move they be approved in their written form, Mr. Chairman.

Larry Zarletti:

Second.

Thomas Terwall:

**MOVED BY WAYNE KOESSL AND SECONDED BY LARRY ZARLETTI TO APPROVE THE MINUTES OF THE OCTOBER 22, 2007 MEETING THAT'S PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**5. CITIZEN COMMENTS.**

Thomas Terwall:

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

(Inaudible)

Thomas Terwall:

No, if you're here for one of the hearings we'll take your comments when that hearing is held.

**6. NEW BUSINESS**

**A. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY PLAT for the request Fouad Saab, agent, for JM Squared LLC, owner, for the approximate 15 acre property, generally located on the west side of 28th Avenue, south of 116th Street, at the approximate 11900 Block, for the proposed 19 lot single-family subdivision to be known as The Orchard Subdivision.**

Jean Werbie:

Mr. Chairman, the first item on the agenda is a consideration of a preliminary plat, and this is at the request of Fouad Saab, agent, for JM Squared LLC, owner, for the approximate 15 acre property generally located on the west side of 28th Avenue, south of 116th Street, at the approximate 11900 Block. The developer is proposing a total of a 19 single family lot subdivision to be known as The Orchard Subdivision.

As some background information, on November 13, 2006, the Plan Commission had tabled at that time a proposed Sheridan Woods Neighborhood Plan amendment and The Orchard Subdivision Conceptual Plan due to several concerns brought forth by neighbors and by the Plan Commission. The concerns at that time revolved around traffic on 28th Avenue; density of the subdivision and conformance to the Comprehensive Plan and the Neighborhood Plan; the location of storm water; impact fees; water service; and placement of street lighting and signage.

On February 12, 2007, the Plan Commission subsequently approved by Resolution 06-20 an amendment to a portion of the Sheridan Woods Neighborhood Plan. The Comprehensive Plan and the Neighborhood Plan had identified that lots within that neighborhood should develop

between 12,000 and just under 19,000 square feet per dwelling unit. The density associated with the plan amendment resulted in less density than was originally approved by the Plan Commission and the Board. The Plan Commission, however, again tabled the Conceptual Plan that night for The Orchard.

On April 9, 2007, the Plan Commission voted to continue the Conceptual Plan and Zoning Map Amendment public hearings until the upcoming April 23, 2007 meeting to allow the opportunity for those residents who were out of town during spring break to voice their opinions at a subsequent meeting.

So finally, on April 23, 2007 and then finally on May 7, 2007, the Plan Commission and the Village Board respectfully approved the following items before the Plan Commission and the Board.

1. Village Board approved Resolution #07-25 to support Plan Commission Resolution that amended the Sheridan Woods Neighborhood Plan to accommodate The Orchard Subdivision.
2. Village Board approved Ordinance #07-16 for a Zoning Map Amendment to:
  - a. Rezone the single family lot portions of The Orchard from the A-2, General Agricultural District into the R-3, Urban Single Family Residential District.
  - b. Rezone the field delineated wetlands located in Outlot 2 from the A-2 District into the C-1, Lowland Resource Conservancy District.
  - c. Rezone the non-wetland areas of Outlot 2 and the entire Outlot 1 from the A-2 District into the PR-1, Park and Recreational District.

There was a protest petition that had been filed prior to the Village Board meeting by eight of the nearby property owners. The protest petition then forced a super majority of the Village Board action on the zoning map amendment for that particular project. On May 7, 2007, the Village Board unanimously approved five to zero to approve the Zoning Map Amendment for this subdivision.

3. Village Board approved the Conceptual Plan for The Orchard based on the modification and amendments that had been presented that evening..

What's being presented this evening then is the preliminary plat for this particular subdivision. It's approximately 15 acres of land. They're looking to subdivide the property into 19 total lots, 18 new lots and one existing property where a home is going to be razed and new home will be constructed on that lot. The Preliminary Plat shows the single-family lots range in size from 20,111 square feet to 36,431 square feet with the average lot size just under 24,000, so there will be about anywhere from a half acre in size up to just under an acre in size. All of the lots will be required to be rezoned and are zoned R-3, Urban Single Family Residential. All of the lots shall have a minimum lot depth of 125 feet and they all do. And each of the lots meets or exceeds the

minimum requirements of the R-3 District. The entire development provides for a net density of 1.53 units per net acre.

Under population projections for this project, based on the 19 proposed lots it's projected that a total of about 52 persons will be added to the population at full build out. The subdivision would likely generate 12 school age children at full build out, and approximately eight of those children would be public school age children.

As noted previously, there would need to be a variance that is granted for this particular project. When we first initially brought forth this plan, we thought that there was going to need to be two variances, one for the lot depth of Lot 3, but they have since adjusted that lot so it does meet the minimum lot depth of 125 feet. So the second and really the only variance that is going to be sought is that the length of the dead ended roadway or the cul-de-sac is proposed at 1,300 feet, wherein the ordinance requires that streets dead end at no more than 800 feet in length. So they will need to seek a variance from the Village's Land Division and Development Control Ordinance, and there will be a public hearing that is scheduled before the Village Board to seek that variance.

With respect to open space in the development, approximately 2.01 acres or 13 percent of the entire site is proposed to remain in open space, and this includes some wetlands on the south and the west end of the development, woodlands and storm water retention areas, as well as some other open space around the retention basins.

Specifically, there have been .51 acre or 3 percent of the site that was delineated by Thompson & Associates on August 7, 2006 as wetland. The wetlands comprise 40 percent of Outlot 2. Again, we have a requirement that all wetland areas are to be located within an outlot. The wetland area is labeled as Dedicated Wetland Preservation and Protection, Access and Maintenance Easement. Again, those areas need to be protected by the homeowners association when that outlot is transferred to them. The wetland areas were rezoned into the C-1 District on May 7, 2007. The Army Corps of Engineer agency has stated concurrence with the wetland delineation that was completed by Thompson & Associations so it has been verified.

Other open space includes woodlands. A detailed tree survey was completed by Capitol Surveying & Engineering dated on October 13, 2006. There will be a number of apple trees on the property that will be removed. However, many of the wooded areas and the trees essentially located along the perimeter of the property will all be preserved intact. In fact, there will be some Dedicated Tree Preservation and Protection, Access and Maintenance Easement areas. We did have a couple Plan Commissioners that walked the site with me, and they did observe that a number of the apple trees that are being removed are decayed or dying. A number of the nicer trees are along the perimeter and in the outlot areas to be preserved. There are some lots specifically that have tree preservation easements located on them, and they are identified in the plat and will be in the dedication language as well.

Other open space, there's approximately 1.5 acres of other open space within Outlots 1 and 2 that will remain as open space, and this area will be green space or will be identified in the adjacent storm water retention facility areas. The Village Engineer has evaluated the site for storm water management compliance with Village ordinances, and those ordinances indicate that this particular project meets with the approval of the Village.

In addition and not included in the open space area is an area along 28<sup>th</sup> Avenue that extends about 35 feet. It's a landscaping area where there might be a low level undulating berm, landscape treatments to provide a little separation and green space between 28<sup>th</sup> Avenue and the subdivision. That will be identified on the plat and in the dedications for permanent landscaping areas.

Street trees will be planted within this development approximately every 50 feet. The details with respect to how they're being planted are shown on the landscape plan. None of the street trees will be able to be planted in any utility easements, sewer, water storm, any type of easements whatsoever because we don't want to have any issues with respect to having to remove them. Also, there are some street trees that need to be adjusted. We want to make sure that each lot, even if it's on a cul-de-sac, has a minimum of two street trees, and we don't want any street trees to be planted exactly on a property line because then there's some confusion as to who should be watering or maintaining those trees in the event that they die.

With respect to the outlots on the property there are two, and they will be transferred as a fee interest transfer to the homeowners association for perpetual maintenance activities once the developer is no longer involved with the subdivision. The first outlot is Outlot 1. It's approximately 32,080 square feet. It's proposed to be improved with a storm water retention pond. The outlot is identified as being Dedicated to the Homeowner's Association for Storm Water Drainage, Retention Basin, Access and Maintenance Purposes. It will be the homeowners' responsibility to maintain that basin and any fountains or aeration systems, providing electricity or doing whatever it takes to maintain that basin when it does get transferred to them.

There's a second basin and area for storm water on the west/southwest area of this subdivision, Outlot 2. It's approximately 55,413 square feet. Again, it's being dedicated for the same purpose for storm water drainage, retention basin, access and maintenance. Again, it will be the responsibility of the homeowners association to maintain that basin.

Site access for this project, the development will have one public street access point from 28<sup>th</sup> Avenue onto 120<sup>th</sup> Street into the development. The plat allows for a potential future road connection to the north near the bend in the road. This road stub as shown you can see where it bumps out. Peggy is going to show you on the slide. If and when the property owners to the north would ever desire to further subdivide their property they would have the opportunity to be able to extend a public road connection to complete that subdivision.

Under public improvements the entire development will be serviced by municipal sanitary sewer, water, storm sewer, curb and gutter urban roadways. It will be the developer's responsibility to put in all these public improvements at his cost. Public roads there will be an additional dedication of just over eight feet for the future widening if that occurs on 28<sup>th</sup> Avenue adjacent to Lot 19 and Outlot 1. In addition, all of the right of ways within the particular subdivision will also need to be dedicated by the developer.

For 28<sup>th</sup> Avenue, in order to determine the 28<sup>th</sup> Avenue impacts due to construction traffic and infrastructure construction, the developer will need to provide the Village's public works department with a pre-construction assessment as well as a post-construction assessment of that roadway which includes videotaping of the existing condition of that roadway. In the event that

there's any damages and in certain areas where we're bringing water north on 28<sup>th</sup> Avenue, we would need to make sure that that road is restored and resurfaced to an acceptable condition to the Village. And if there are any damages to that particular roadway those would have to be repaired at the cost of the developer.

One of the items that was brought up by the neighbors a while ago is they were concerned with respect to kids walking north to the bus stop on 116<sup>th</sup> Street. We made it very clear that construction traffic for this subdivision will come from the south through the Prairie Trails East Subdivision, from the State line north on 28<sup>th</sup> Avenue and make its way north to this particular subdivision so it will be the very south end of 28<sup>th</sup> Avenue that will receive the construction traffic. That construction traffic will not go to the north.

There was some concern, though, that if any vehicles did travel to the north or any children that may live to the south of 120<sup>th</sup> that they be aware of the school schedule for the nearby elementary school that's identified in the staff comments, that there might be some blackout times that we want heavy construction equipment entering and existing to protect any children or anybody that might be walking during that school period or they're getting on the bus in this particular area.

With respect to municipal water, currently there is no municipal water within 28<sup>th</sup> Avenue. As noted in the conceptual plan The Orchard will be serviced by a looped municipal water system. In order to serve the development an 8 inch water main will connect the water from Prairie Trails East single family subdivision upon its development. What that means is there's actually a connection that's going to be made on 28<sup>th</sup> Avenue that comes to the north and there will be a secondary connection that actually goes through Lots 7 and 8 for The Orchard and then through an easement in Lots 40 and 41 in Prairie Trails East in order to loop that system. An easement has already been identified on the final plat for Prairie Trails East, but it will be The Orchard's responsibility to construct that municipal water to connect it to the system in Prairie Trails East. The developer may enter into an agreement with the Prairie Trails East contractor in order to have them put in that section of main, but I'm sure that we'll need to reimburse him for the costs that may be involved.

What's important to note is that no construction of The Orchard Subdivision public improvements will be able to commence until the Phase 1 required public improvements, which includes the mass grading and installation of underground utilities and gravel base course of the roadways in Prairie Trails East is completed because that will be their main access and construction access to this particular site. And those roadways and gravel base will need to be completed, inspected and dedicated to the Village.

Under municipal water there's a heading called right of recovery. A 10-year right-of-recovery could be afforded to the Developer for water main improvements proposed to be installed on a portion of 28th 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 28th Avenue would be required to pay the water special assessment costs only if they choose to connect to the municipal water main system, or if they choose to subdivide their property in which case the connection would be mandatory to the system as well. So whichever comes first, but if they choose not to connect to the system or subdivide their property, they would not be required to make that payment for right of recovery to the developer. At this time we are still

waiting for the developer to initially start that process with respect to the right of recovery. Again, that's typically something that's initiated when we get a little bit further down the road closer to the final plat.

Under municipal sanitary sewer, the sanitary sewer will be extended from the existing sewer located in 28<sup>th</sup> Avenue and it will continue throughout the development within 120<sup>th</sup> Street and 29<sup>th</sup> Court.

Under storm water and drainage issues:

- a. Flooding - The storm water runoff will be collected and drained into one of two storm water retention ponds. There's one on the east side and one on the west side. The ponds will significantly reduce the peak runoff rate exiting the site. Storm sewer, swales and berms will be installed throughout the subdivision in order to protect the downstream development by safely directing the runoff to the retention ponds. In fact, there's a series of easements that have been identified throughout the plat that identify where these storm water features are to be located. The storm water management practices are required by Village ordinance and Wisconsin DNR regulations and State statutes. The Village Engineers have reviewed the site drainage and storm water plans for this development to ensure that the site does conform with these requirements and regulations and that there is no negative drainage impacts as result of this development.
- b. There were some concerns that were raised from property owners on the north end of 28<sup>th</sup> Avenue regarding Tobin Creek flooding. The developer has completed a detailed topographic survey of the site. The engineers have examined the regional topographic maps in great detail and the area draining to the retention ponds and the discharge from the ponds does not drain directly to Tobin Creek. This area drains to the south through the Prairie Trails East Development. And that water is taken into account for the size of their basins and their storm water lines.
- c. Another issue that was raised was storm water pond safety with respect to the two basins. The storm water drainage ponds are required by the Village's storm water management ordinances and the Wisconsin DNR storm water regulations. In order to meet the storm water requirements the stormwater ponds need to be located where they are shown. The ponds will be designed to be as safe as possible. There will be a 10 foot wide safety shelf so that the water level is 12 inches or less for the first 10 feet of the pond. The landscape plan has been revised so that there are trees planted between the road and the pond and signage shall be posted to discourage trespassing in the site.

One of the things that the homeowners had asked if there would be no berm so there would be no complete physical blocks so that you couldn't see on the other side. They have agreed not to install a six foot high berm in front of the pond, but there would be some low level underlying mounds in order to place the landscaping on. There would also be no fence. They also indicated that they were not interested in having a fence adjacent to the pond.

- d. Then finally with respect to pond and outlot maintenance, The Orchard property owners will be responsible for the maintenance of the outlots, storm water ponds, aeration

fountain. They're going to be responsible for the street tree maintenance, the cul-de-sac island plantings and the electricity for the street lights.

Under construction access, construction access for installation of public improvements and for new house construction again is intended to come through Prairie Trails East. So not only the initial subdivision construction but home construction will also come from the south.

Under street lighting, there are two proposed street lights at the entrance. They're the ornamental lower residential street lights. They'll be at the entrance of 120<sup>th</sup> Street and 28<sup>th</sup> Avenue. Again, The Orchard property owners will be responsible for any electricity and maintenance associated with those street lights.

With respect to entry signage, the property owners in the area had requested and the developer agreed that there would be no specific separate development monument entry signs to this subdivision at 28<sup>th</sup> Avenue, and he's agreed to that and that's noted in the staff comments.

Under the fiscal review, the developer has agreed to the \$891 payment due per residential unit for police, fire, EMS, public works as part of a cost sharing agreement. This is in addition to the impact fees that are due and payable at the time that the building permit is obtained for the various lots.

Finally, there is an agreement that we would like to see entered into ahead of this development going forward between Prairie Trails East and The Orchard that clarifies or makes it very clear anyway who is going to be installing the municipal water through the Prairie Trails East cul-de-sac lots to service The Orchard. Certainly The Orchard is obligated to do it in an easement that's being dedicated to the Village, but it might make some sense to enter into an agreement to have that work done at the same time that the municipal water is extended and installed in Prairie Trails East.

With that this is a matter for public hearing and we are, again, at the preliminary plat stage of The Orchard Subdivision.

Thomas Terwall:

This is a matter for public hearing. If you wish to speak we would ask that you step to the microphone and begin by giving us your name and address.

Cindy Godbold:

Hi, Cindy Godbold, 12011 28<sup>th</sup> Avenue. This drives me crazy. I come here today knowing that whatever I have to say falls on deaf ears because you people don't care about us existing residents. I don't care about this 19 foot lot or how many houses are going in it. What about the rest of us? We all have over an acre. We all have medium to little sized houses. These guys are coming in with these big obnoxious looking things but that doesn't make any difference. What about our economic feasibility? Are our taxes not going to go up? Well, yeah, they are. You're making our neighborhood better. What about all the roads? You're saying they're going to take care of them. That ain't going to happen, we know. We read in the newspaper what happens to all these subdivisions and all these retention ponds. I am so upset. We're moving. I don't want to

live next to this place. I really don't. It's a damn shame. Half of our neighborhood is tired of coming in here because it's a waste of time. That's what they told me. I said I'm sorry, I'm going to come and I'm going to speak my peace on it. If nobody likes it, well, that's just tough.

In the subdivision, the same as last time, everybody else is doing it. No, not everybody else is doing it. Not everybody else is building a subdivision in the middle of our block. You walked the place. Did you look around? Did you look? We all have acres over there. That's why we bought it. We didn't want 20 people living across the street from us. It's just ridiculous. I'm sure it's going to go through no matter what you say. I mean you guys are all worried about the kids walking down the street, about the contractors with their big trucks. I hate to say it but I know somebody is going to get hurt. It's going to be children. And after that happens I guess I'll have the satisfaction of saying I told you so because it's going to happen.

This is a dead end street. People bought this purposely because it's a dead end street because the kids run up and down the street, they play baseball, they do their snow boarding, they do everything. Speaking of such where is all the snow going to go when they remove it? Probably my yard because I'm right across the street. Right? Where is it going to go? Where else are they going to put it? Are they going to pick it up? I don't think so.

As far as keeping it clean I hope they do it better than they have been because if you walked out there you know this family cut the grass one time since they owned it. Somebody just purchased it or rented it the last month or so which cleaned it up and they did a good job. That's all I've got to say.

Thomas Terwall:

Anybody else wishing to speak?

Glen Erickson:

Glen Erickson, 11700 28<sup>th</sup> Avenue. The only question I've got is will anybody state to me how much water from these two retention ponds will get to Tobin Creek, direct or indirect? Can anybody give me an idea how much water these are going to promote into Tobin Creek? Anybody? You don't know. You don't know how much water is going to come into Tobin Creek off these retention ponds? Okay.

Ron Godbold:

Ron Godbold, 12011 28<sup>th</sup> Avenue. Good evening everybody. I'd just like to thank everybody for doing a good job for raising my taxes which is going to happen because you're looking out for the constituents that bring you into this area. You had 58 percent of the people against this. We fought it from here and it went to the Village Board and it passed unanimously. So along with my wife and a lot of people that I've talked to along there and outside of our area believe that it doesn't matter what gets said by the people of the community. That's the honest to God truth. I want to let you know up front that's what I hear and I'm out there very day.

The safety of the kids and that we have a couple challenged children along that roadway. I've come down that road and they've darted out without even looking and so on and that. You say

there's not going to be no construction traffic, then why is the developers wanting to meet for concern of safety with children prior if there's not going to be no traffic going down there?

You're going to bring in this water eventually you're going to have us hook up with this water. We're being taxed now like crazy. Like the wife said earlier I got a couple more years to go, I was looking forward to staying on a nice rural Pleasant Prairie area that's being turned into a concrete village and I'm going to move. I'm going south. I'm going down south where the good old boys are going to be the good old boys. So I'd like to thank you for raising my taxes. I'd like to thank you for doing and listening to the constituents that are voicing their concerns that doesn't mean nothing.

Thomas Terwall:

Is there anybody else wishing to speak? Anybody else? Anybody else? Hearing none, before I open it up to comments and questions from Commissioners and staff I'll ask staff if they wish to respond to any of the questions we received.

Mike Pollocoff:

With respect to Mr. Erickson's question of how much water will go to Tobin Creek, I believe he indicated directly or indirectly, there's no water that will go directly into Tobin Creek. That water is running south away from Tobin Creek. In directly I don't believe any of it ends up in Tobin Creek indirectly. I believe it still continues south and finds its way south to the Illinois State Line. They may defer to their engineer for that complete analysis. But that is correct.

Mrs. Godbold's comments, snow is not going to be plowed out of the subdivision into her yard. We plow streets. There's going to be some amount of snow that comes from the center of the street to the edge of the street that as the plow goes by it's going to end up in your yard, but we don't off load snow out of a subdivision into anybody's driveway or yard.

With respect to taxes going up, property taxes are levied for the cost of government. As I understand the connection that Mrs. Godbold is making is that because there will be higher value homes that are located in the proposed subdivision that her taxes in turn will go up. The Village is a very diverse community when it comes to the types and nature of housing we have in the community. You can see that just by driving around where you can have some rural character homes, you have some homes along Lake Michigan, homes along private lakes, all different types of homes, and those homes their value is assessed on comparable properties. So the properties on 28<sup>th</sup> Avenue are going to be somewhat comparable with properties on 26<sup>th</sup> Avenue and those what we call rural character neighborhoods.

The Orchard would be classified into what we call a modern subdivision, a new modern subdivision. Those homes are characterized similarly like Tobin Woods, The Orchard, Cooper Woods. Those would be examples of smaller subdivisions, similar sized lots, similar type of housing so that as new housing comes into an area it doesn't follow that everybody's home and property is assessed based on just because it's close to someone's house. Neighborhoods are stratified so that like houses are assessed.

With respect to One of Mr. Godbold's statements that water is going to be required, the Village has not--in a developer initiated public improvement for the extension of municipal water the Village has not required affected property owners along the way of that improvement to connect. In fact, the State of Wisconsin Public Service Commission has a procedure and it's the method that we use where the developer has an opportunity to collect on that connection if the property owner who is making the connection decides to do that. It's not the Village's call. It's going to be the decision of the homeowner. If the well goes out and they decide it's cheaper to pay for the water assessment than put a new well in they'll do that. If their pump goes out they'll do that. If they go dry and they don't want to drill a new well they could make the decision.

If that decision is made after ten years then the developer loses his opportunity to have that right of recovery come back to him. In fact, those abutting property owners along the improvement can connect to water at no charge at all other than what they do inside their own property. There's a lot of people who would like to be the beneficiaries of that action because there's times when the Village is extending water along roads as part of a municipal project, again, under the same agency but different rules everybody connect whether they want to or not and that's not the case here. Those are the comments I want to respond to. Jean, do you have anything?

The road maintenance for the subdivision is going to be done by the developer in the first instance. We're going to require the developer to bring 28<sup>th</sup> Avenue back to a condition that if the construction damages 28<sup>th</sup> and as time goes on the Village will be milling and resurfacing 28<sup>th</sup> as needed. This year the Village has identified a quarter of a million dollars each year to be placed for road maintenance throughout the Village. The next year that amount is almost a half a million dollars. That's something that isn't an additional cost on anybody's tax bill. That's part of the existing general fund budget that the Village has identified.

The Village has also begun the work to provide for the reconstruction of 116<sup>th</sup> Street three years from now as part of an STP grant and the Village work as well. 116<sup>th</sup> Street between Sheridan and 39<sup>th</sup> Avenue is in difficult shape. So I think that the road maintenance is going to occur, and if there's added road maintenance that's required because of the construction that takes place that's going to be a responsibility of the developer. Going forward that road is no different than any other road in the Village. It will be addressed as funds are available. Last year the Village adopted a budget that provided the methodology to have that happen each year and that begins with the coming budget that we're considering for 2008.

Thomas Terwall:

Thank you. Jean, your comments, there were three different times that you made the statement that as things were turned over to the homeowners association they would be fiscally responsible for several things, the ponds, the street lighting and I don't recall exactly what the third one ones. But there were three separate instances. Whose responsibility is it to notify those homeowners?

Jean Werbie:

It will be the developer's responsibility. The bylaws for their subdivision will set forth a time at which they are going to convene all of the homeowners within the subdivision. They will turn over the responsibilities at that time along with the budget as well as an itemized listing of all the things that they do need to maintain. It includes the landscaping berm along 28<sup>th</sup> Avenue, the cul-

de-sac island planting areas, it includes the open space areas which are the two retention basins and the wetland areas, and then it also includes any street lighting maintenance and electricity related charges as well as any fountains or aeration systems. Again, those are costs to be incurred no different than any other subdivision. It's clearly set forth to the property owners in the declarations, in the dedication and easement language on the plat, as well as in their meetings with the developer at the time of the turnover.

All those responsibilities are theirs so they have to set forth a budget so that everyone pays annual dues in order to make sure all those things are taken care of in the subdivision. That's how they're all taken care of throughout the Village so that the burden is not placed directly back on the Village or the other property taxpayers in the Village.

Thomas Terwall:

In the case of the subdivision on 85<sup>th</sup> Street and 60<sup>th</sup> Avenue was that clearly spelled out to each homeowner?

Jean Werbie:

It was in all of their documents that they executed or they received. It was on their title policy. It was in their dedication of restrictions, covenants and easements, and it was on their final plat.

Mike Pollocoff:

Mr. Chairman, as a point of reference, the Village ordinances require us to do that. The Village ordinances prohibit the Village of Pleasant Prairie from subsidizing any new development. We cannot absorb as part of the Village tax roll or the fees we collect the cost associated with the new development coming in. So those are the costs the new development is going to generate to take care of the ponds, to take care of the street lights and all those things, and the Village has prohibited itself by ordinance from assuming those costs because there's still a vast majority of the Village that doesn't have those types of improvements. If we were to assume that as a cost the people who don't have those improvements or if we could change in mid stream the people that do have those types of improvements and have been maintaining it themselves would be stuck paying for any new subdivision going forth to put those improvements in. So it would require a change in the ordinance to say we would be willing to subsidize those improvements.

Given the fact the Village is under levy limits placed by the State it just doesn't make sense. We're telling everybody up front if you're going to go into any subdivision these are your expenses. Now, if somebody goes into a closing and just signs documents without reading them, or if they don't have legal counsel look at them and tell them, we can only put it out there for them to see in those documents. And if they don't act on them I don't know how you take care of that problem.

Thomas Terwall:

Has this information ever been presented to the *Kenosha News*?

Mike Pollocoff:

Yes.

Thomas Terwall:

We've had article after article about how these 12 homeowners were never notified that these bills were coming. That's not the truth evidently.

Mike Pollocoff:

Well, they were notified, but did they read the notice? Did they understand the notice? The message was given, the message was delivered, and I really believe some of the people that I talked to along that street didn't know or didn't understand. But that didn't mean it wasn't a requirement. It didn't mean that it wasn't shown on the plat. It didn't mean that it wasn't in their covenants and restrictions. So the fact that they didn't know it and it was still there didn't absolve them the responsibility that they have. It makes some people uncomfortable but, again, it comes back to the same thing.

As a community we have a covenant with the taxpayers and the people who pay sewer, water, clean water fees, that you've come to the Village and you've paid something for your lot in your subdivision. And that's because you're new to the Village you're going to have to make that payment, but you're not going to pay for the next subdivision or the subdivision after that or the subdivision after that and that's true for everything. You look at LakeView Corporate Park, the Village does not pay for the maintenance of those ponds. We don't pay for the grounds around those ponds. Those are deep ponds and they don't need aeration, but the Village taxpayers don't pay for that. That's an association that pays for it. And it's been a longstanding covenant that we've had with the taxpayers of the community that that's the way it's going to be.

To change that might warm the hearts of new owners or new people coming into the Village that that would be one less thing they'd have to pay, but it's something when you pay for it it comes back someplace. It either comes back in taxes or added fees if you decide to pay for that for developers. Jean has been very diligent in telling developers that that's a responsibility that they have to incorporate in their documents and convey to the people who sell them. Again, when those properties are resold it doesn't disappear after the first sale. It's still in the documents.

John Braig:

I think in part there's a responsibility on the part of the Kenosha News. Because of the way they presented the information and distorted it, it gives the people who are now finding out that they failed to read these documents, it gives them some hope that maybe if they keep stirring up and complaining about it something will change. Giving the Village a dart for following the rules is not what I consider good journalism.

Thomas Terwall:

Let me just finish by saying that as a resident of a condo association where I pay \$165 a month in association fees to cover these kinds of costs, if you're ever considering subsidizing the

subdivision on 85<sup>th</sup> Street and 60<sup>th</sup> Avenue I'd request that that public hearing be held at Lance Junior High School because this auditorium isn't nearly big enough for the hundreds of people that are already paying for their own ponds that are going to come and say if you're going to pay for theirs you're going to pay for mine, too. It's not right and it should never happen. I went in knowing what my fees were going to be and I'm happy to pay them. But I'm not happy to pay for some guy who didn't pay attention and signed a document without reading. That's his problem. Certainly not mine.

Mike Serpe:

There's a number of conditions that were put on The Orchard that were contingent upon Prairie Trails East coming on line. What would happen if Prairie Trails East never came forward?

Jean Werbie:

I would assume The Orchard would have to negotiate some type of cross-access easement or some type of gravel connection roadway through that property to get to this one. Or, the other option we've put out there is that 28<sup>th</sup> Avenue would have to be used from 116<sup>th</sup> Street, well, they'll be rebuilding and improving that to a brand new road because that road just cannot handle that type of construction activity. So that option I don't think is financially feasible for them based on the number of lots.

Mike Pollocoff:

And water would have to go instead of going south into Prairie Trails would have to go north to 116<sup>th</sup> Street.

Jean Werbie:

So water issues and roadway issues so they need to wait for that subdivision.

Thomas Terwall:

What's your pleasure?

Wayne Koessl:

I'll move approval, Mr. Chairman.

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 PRELIMINARY PLAT SUBJECT TO THE TERMS AND**

**CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

John Braig:

**I'M OPPOSED.**

Thomas Terwall:

So ordered. One opposed.

**B. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #07-27 for the request of Ronald Zechel of U.S. Cellular, agent; on behalf of Kevin Kenaga, property owner; to amend the Comprehensive Land Use Plan to change the land use designation of the 0.85 acre subject property located on the east side of Sheridan Road, at the approximate 10900 Block (immediately north of the Village Supper Club), from Low-Medium Residential to Governmental and Institutional to coincide with the proposed I-1, Institutional District zoning of the property to accommodate a proposed upgraded cell tower facility.**

Jean Werbie:

Mr. Chairman, I would ask that Items B, C and D all be taken up at the same time with separate action on each. They're all related to the same project.

John Braig:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

**MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO COMBINE ITEMS B, C AND D FOR PRESENTATION PURPOSES ONLY WITH SEPARATE VOTES. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT** for the request of Ronald Zechel of U.S. Cellular, agent; on behalf of Kevin Kenaga, property owner; to rezone the subject property from the R-4 (UHO), Urban Single-Family Residential District with an Urban Land Holding Overlay District to the I-1, Institutional District to facilitate a proposed cell tower facility. The 0.85 acre subject property is located on the east side of Sheridan Road, at the approximate 10900 Block (immediately north of the Village Supper Club).

**D. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS** for the request of Ronald Zechel of U.S. Cellular, agent; on behalf of Kevin Kenaga, property owner; to install a new 85 foot tall monopole cell tower with 12 attached antennas atop the tower and an associated 12' x 20' equipment shelter, within an increased 1,321 square foot lease area. The 0.85 acre subject property is located on the east side of Sheridan Road, at the approximate 10900 Block (immediately north of the Village Supper Club).

Jean Werbie:

Mr. Chairman, the first public hearing is a public hearing in consideration of Plan Commission Resolution 07-27 and it's the request of Ronald Zechel of U.S. Cellular, agent, on behalf of Kevin Kenaga, Property owner. And this is to amend the Comprehensive Land Use Plan in order to change the land use designation of a property that's .85 acre located on the east side of Sheridan Road at approximately the 10900 block. It's immediately north of the Village Supper Club. And they are proposing to change that designation from the low medium residential designation to governmental and institutional to coincide with an I-1 Institutional District use or zoning or the property to accommodate an upgraded cell tower facility.

The second item is Item C. It's a public hearing and consideration of a zoning amendment, again the same agent on behalf of the same owner, and this is to rezone the property from R-4 UHO, Urban Single Family Residential District with an Urban Landholding Overlay District, and that would be to the I-4, Institutional District, to facilitate a cell tower facility.

Then the third item related to this matter is a public hearing and consideration of a conditional use permit including site and operational plans at the request of Ronald Zechel from U.S. Cellular on behalf of Kevin Kenaga, and this is to install a new 85 foot tall monopole cell tower and 12 attached antennas atop the tower and an associated 12 foot by 20 foot equipment shelter within an increased 1,321 square foot leased area. Again, this is for property that's at the approximately 10900 block of Sheridan Road.

As part of the public hearing comments and as part of the record, the staff has compiled a listing of findings, exhibits and conclusions regarding the project and are described below. The first is that there will be a request and there is a request for a Comprehensive Land Use Plan amendment. This project is located within the Carol Beach/South Chiwaukee Prairie Neighborhood. Pursuant to the Comprehensive Plan the property identified as Tax Parcel Number 93-4-123-301-0960 is located within a future land use designation of low-medium density residential.

The abutting property to the north and east, owned by the Village of Pleasant Prairie, has a current land use designation of Governmental and Institutional. This Village-owned property is proposed to be partially improved with a regional storm water retention basin in conjunction with the development of the Southshore single-family subdivision. This regional basin would help provide additional storm water benefits to the areas downstream of the regional retention basin and east of the Chicago Northwestern Rail Road within the Carol Beach Subdivisions.

The petitioner is requesting to amend the Village Comprehensive Land Use Plan to change that designation on the referenced property to the Governmental and Institutional designation which would fit into the I-1 Institutional District.

Given the existing cell tower use and the similar Governmental and Institutional land use designation on the Village-owned property to the north and east, the proposed Governmental and Institutional land use designation is appropriate for the Kenaga property.

The second item is the zoning map amendment. The property is currently zoned R-4 (UHO), Urban Single Family Residential District and has an Urban Land Holding Overlay and is improved with an existing 65 foot tall monopole cell tower and equipment cabinets. Pursuant to the Zoning Ordinance, a Commercial Communication Structure is not an allowed use in the R-4 District. However, the existing cell tower and equipment on the property is a legal non-conforming use, in that at the time the tower and equipment was installed it was installed in accordance with the then-current zoning ordinance requirements.

At this time the subject property is proposed to be rezoned from the R-4 (UHO) District into the I-1, Institutional District in order to provide this upgraded cell tower facility. Specifically, they are looking to take down the existing tower and remove the existing equipment and build a larger tower with a larger equipment shelter to house this equipment.

Under the conditional use permit including site and operational plans under the findings of fact:

1. Ronald Zechel of U.S. Cellular, on behalf of Kevin Kenaga, property owner, is requesting a Conditional Use Permit, including Site and Operational Plans, to expand the existing cellular site through the replacement of the existing 65 foot tall tower and equipment cabinets, installed in 1997, with a new 85 foot tall monopole tower with 12 antennas and a 12 foot by 20 foot equipment shelter, within an increased, fenced leased area, located at the 10900 block of Sheridan Road, east side of the street. This is immediately north of the Village Supper Club, and further identified as Tax Parcel Number 93-4-123-301-0960.

2. The purpose of the upgrade to this U.S. Cellular facility is to fill in a problem coverage area in the system due to the heavy density of user traffic along the Sheridan Road to Illinois border corridor along with the increased cellular demand from the growing residential development in the area. The proposed facility upgrade will provide adequate service to these customers.
3. Pursuant to the U.S. Cellular comments, the legal, nonconforming tower and foundation are antiquated, whereby modifications to the tower and maintenance of the old facility are impractical.
4. Upon the installation of the new tower and new equipment shelter to the immediate north of the existing tower, the existing tower and equipment cabinets will be removed and the existing Kenosha County Civil Defense Siren and all other equipment on the on the existing pole will be remounted onto the new monopole.
5. According to the Plans, the new 13 foot 8 inch tall equipment shelter is to have exterior limestone walls, and I think that might be brick now, with a pitched, shingled, gable roof, similar to other telecommunications equipment shelters in the Village. Upon discussions with the applicant, the design and construction of the equipment shelter shall be revised to reflect that the building will be brick instead of the limestone, and the brick exterior siding shall extend all the way up into the gables of the structure, thus eliminating the cedar lap siding.
6. For security purposes, the expanded leased area will be enclosed with a new 6 foot high chain link fence and will incorporate 3 strands of barbed wire atop the fence. According to the applicant, the old, existing chain-link fencing will be removed, resulting in a rectangular-shaped new lease area. The new fencing shall be vinyl coated black or brown, whatever matches the new brick for the facility.
7. According to the written Operational Plan, a minimal amount of trees and brush and undergrowth will need to be removed for the new facility. The remainder of the vegetation on the property will remain. In fact, I think some of the existing trees around the facility are also going to be relocated around the site.
8. The existing access to the tower site is via a 15 foot wide utility ingress/egress easement that is graveled. According to the written Operational Plan, the facility will be paved. Furthermore, the Plans shall note the following:
  - a. The 15 foot wide ingress/egress easement area shall be asphalt/concrete paved and the remaining gravel areas on the subject property located on both sides of the paved access drive shall be removed and shall be layered with topsoil and sodded/seeded with grass to clearly delineate the location of the access drive.
  - b. As stated in the written Operational Plan, the interior area of the facility within the fencing shall be asphalt/concrete paved.

- c. The proposed "new 12' wide gravel expansion" area located immediately west of the new facility shall be also be asphalt/concrete paved, in lieu of the proposed gravel. The end result is that there shall be no gravel surfaces on this site.
- 9. The existing 65 foot tall tower, which is brown in color, is setback approximately 65 feet east of the Sheridan Road right-of-way line. The proposed 85 foot tall monopole tower, which shall be brown in color, will be setback approximately 80 feet east of the Sheridan Road right-of-way line.
- 10. U.S. Cellular is proposing to increase the lease area to a total area of 1,321 square feet. The proposed lease expansion area is a private transaction that will take place between U.S. Cellular and the property owner, Kevin Kenaga.
- 11. The new 85 foot tall monopole tower with 12 antennas and a 12 foot by 20 foot equipment shelter meets the standards set forth in Section 420-89 of the Zoning Ordinance pertaining to Commercial Communication Structures, including all setback requirements to all property lines, minimum 50 feet, and setbacks to principal structures on adjacent properties. The minimum height of the tower that's the setback it has to be so 85 feet in this case.
- 12. According to the Kenosha Regional Airport Overlay Zoning Districts Map, the proposed tower site is located well outside of the Airport Overlay District extreme-most boundary. Therefore, City of Kenosha Airport Site Plan Review is not required.
- 13. The property owner and/or US Cellular and their employees, agents and successors in interest of the property, shall allow the Village IT Department future access to the tower and the Village shall have the future right to place access points or antennas on the tower for the possible installation for WIMAX or other related wide-area wireless applications for the Village.
- 14. Zoning - The current zoning of the property is R-4 (UHO). The proposed expansion of this cellular facility necessitates the requirement for the property to be rezoned into the appropriate I-1 District.
- 15. Background Information
  - a. On June 19, 1996, the Village Plan Commission and on January 27, 1997, the Village Board of Trustees approved a Conditional Use Permit, Permit No. 97-02, and Site and Operational Plans for Cellular One, now known as U.S. Cellular, to locate the existing 65 foot tall monopole cellular tower on this property along with the associated equipment, antennas and a Kenosha County Civil Defense warning siren on this property, within the lease area. The cellular site is enclosed with an existing 8 foot high chain link fence.
  - b. In April of 1998, the Village issued a permit for Cellular One to install a new electrical enclosure cabinet.

16. The Communication Act of 1934 is the Federal regulation, which governs the telecommunications industry; Section 322 of said Act, as amended by subsection (6) (iv) of the Telecommunications Act of 1996, provides guidelines to state and local governments regarding the siting of antenna facilities. One such guideline governs what information may be considered during the zoning approval process. That is, as long as the antenna facility complies with emissions standards established by the FCC in Section 704(b), it is considered that there are no health or safety risks posed by the equipment. Then the Plan Commission or the local zoning authority having authority may not directly or indirectly consider health and safety issues during the zoning process when the citing of these towers.
17. According to the Village counsel the Telecommunication Act would prohibit the state or local units of government from denying a wireless communication company's request, again, as it relates to health or safety related matter as previously discussed.
18. The petitioner and all of the abutting and adjacent property owners within 300 feet of the site were notified via U.S. Mail on October 29, 2007. Notices were published in the *Kenosha News* on October 29, 2007 and November 5, 2007.
19. The Village emailed/faxed the petitioner a copy of this staff report on or about November 9, 2007.
20. For additional information pertaining to this proposed facility refer to the attached Conditional Use Permit, including Site and Operational Plans Application and the associated attachments.
21. According to the Village General 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 that the project as planned, will not violate the intent and purpose of all Village Ordinance, nor shall it violate any Federal, State and County regulations as it pertains to the minimum standards for the granting of a Conditional Use Permit for this site.

With that, I'd like to continue the public hearing. There is a petitioner agent in the audience if there are any questions.

Ron Zechel:

Good evening, Ron Zechel with U.S. Cellular, 3545 North 124<sup>th</sup> Street, Brookfield, Wisconsin. We've been looking at this three to four years now. We've got an existing monopole that dates back to 1996/1997. It's one of those monopoles that was put in with a sub foundation at that time which the . . . . We had a problem. We've got a problem all along Sheridan obviously. We've got extensive traffic coming in there all the way to the border. We've got a lot of dropped calls in that area. We looked at a variety of different solutions about pushing the site maybe to the far south, and we talked to staff and have been talking to staff for a couple of years about that.

We ended up we have this property, we've got civil defense sirens sitting there, we've got a long-term lease. Obviously we're trying to use this property if we possibly can. So in order to see if

we can upgrade the service area and not put anything down to the south and get all the way to the border we thought we'd look at two different situations. Can we push north and leave this thing and push this north to yours—you've got a new Village monopole there about three quarters of a mile up, or do can we expand this one and at least mount some antennas up there.

One of the problems with your Village property three quarters of a mile to the north is obviously when we put this facility right here at the Village Hall it pushed us too close almost to this other property, we knock off a sector or sector and a half. And also it would be tight to get down to the border with the traffic. So we looked at since we had to keep this pole anyway for the siren in there, seeing if we could put our existing antenna array on there. Because we had the problem with the foundation and so forth our solution was just to come by and modify it and just rebuilt it, clean up the site, basically take out the old 65 foot pole and replace it with an 85 foot pole, move it over, slide it over to the north a little bit, fence the compound, take the cabinets out, basically clean up the site and put asphalt as staff as required and do some seeding and so forth. We're just going to slide it into the woods there. There's not going to be hardly any trees removed. It's just all scrub brush in there so basically we're just cleaning up the site. I guess we're going to paint the pole the same color. There's not going to be much difference between a 65 foot pole and an 85 foot pole.

Thomas Terwall:

Thank you. This is a matter for public hearing. Is there anybody else wishing to speak? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up to comments.

Mike Serpe:

Ron, this is a rebuild on an existing tower.

Ron Zechel:

That's correct.

Mike Serpe:

Has there been any consideration given to make this a multiple co-location tower?

Ron Zechel:

We can fit an extra carrier on there. From a Village standpoint you're probably going to want to push as many carriers to your taller tower which is three quarters north. We can fit one more carrier on here if we have to, two carriers on this, so it would be underneath our—the way it's shown on there our equipment would go on the top at 85 feet, the civil defense siren would move over. Right now it's at 65 feet on the top and it will be 65 feet on a side mount just like you have over here. We could fit another carrier in there. These poles are built now for multiple carriers. So, yeah, I could get one more carrier in here at 75 feet.

Mike Serpe:

What would it take to put three or four carriers on the pole?

Ron Zechel:

What we could do is we could order a pole that's expandable which means this pole would be 85 feet expandable to 100. We could do that if the Village so required. That 15 or 20 feet could go on or you could do a new public hearing. We could do that as long as we know about it because the foundation would be designed.

Mike Pollocoff:

Part of the problem, though, is the ground space for another hut.

Mike Serpe:

There isn't that much space for it?

Mike Pollocoff:

Not without getting into the woods.

Ron Zechel:

The thing is we weren't really thinking about it a lot because you have your Village pole right up the road which is quite a bit taller. So we weren't really thinking about multiple expansions on this. We were thinking maybe two at the most.

Mike Serpe:

I was just thinking of preventing as many new towers to go up as possible if we can co-locate on the poles we have down there.

Ron Zechel:

Sure. This is built for two towers. Your other tower I would assume is built for three or four carriers at the Village Water Department, so you're going to pick up the carriers right there.

Thomas Terwall:

Ron, I have a question for you. Are you seeing a decline in the proliferation of cell phone carriers? Is there a consolidation going on?

Ron Zechel:

Yes, there's probably six main carriers right now. You're starting to see a lot of money being—we knew this would happen. We knew it would come down from eight or nine to about five or six

strong ones, and then you're starting to see a lot of the streaming coming on. You're going to see we're going to jump in from the third generation to the fourth generation. We've seen a lot of money come in now to fill in these areas any tower that we have available and try to make a system that's just pretty much can cover a lot of things. So we knew we would get to that point. You've seen consolidation with Cingular and AT&T and Sprint and Nextel coming together. U.S. Cellular is the eighth largest in the United States. They're based out of the Midwest. We have offices in Chicago and Milwaukee and Madison. So we're more Midwestern footprint or whatever. So we're usually a little bit ahead of the game here because we're one of the two oldest carriers. Then we find that a lot of other carriers roam off our systems, too. We respond to demand problems and we've got demand problems down along Sheridan. Of course, you're a growing community. But I think this would be really--hopefully you wouldn't have to see me again for a while. The installation we did at 1545 has worked out really nice. We've got the Village in pretty good shape now.

John Braig:

I've got a couple problems with this. First of all, the existing facility is going to be totally removed. It's a legal nonconforming facility. As I understand it, if there's an improvement on a piece of property, legal nonconforming, and replacement, renewal or repair or whatever of it exceeds 50 percent of its value it can no longer be reconstructed or improved on that site. Another issue I have is the institutional zoning. For the water storage facility it's Village owned, it's a Village utility operation that truly is institution. I see a cell tower that's a commercial enterprise. I don't think institutional zoning is appropriate. Of course, the third thing I'm thinking of is if we're taking a tower down why should we rebuild it and why not add to the existing facility that we have and stop the proliferation of towers?

Jean Werbie:

First of all, with respect to it being a nonconforming situation, it is in fact, but the way to avoid a nonconforming situation is to petition for a zoning modification or a zoning change. What they're saying is their existing tower is obsolete. It does not provide the coverage, and we still need to have a civil defense siren in this area. So the compromise that we've reached and we think it's a good one is to rezone this property to an institutional land use and institutional zoning.

The institutional zoning district does not mean that it has to be publically owned. We have many uses within that district that are both public and private, and that can cover anything from churches, libraries, museums and any art galleries, any childcare centers, any type of bus type system, railroad depots, school auditoriums, utility substations of any kind, any type of systems that include radio or any type of transmission and receiving. They are permitted uses. Actually they are conditional uses but they are all identified within this district. So this is an appropriate district.

What we were trying to do when we made our modifications and changes and recodification was to eliminate cell towers from being placed in residential districts. So the Village created the nonconformity for this particular property, the petitioner didn't. We did because we wanted to start removing them from being allowed within a residential subdivision or residential area. So the property owners made a decision to eliminate this property from ever having a single family home placed on it by placing it into the I-1 District.

John Braig:

Could the civilian defense siren be relocated to the water storage site?

Mike Pollocoff:

I don't believe so.

John Braig:

It's a matter of blocks. It's 109<sup>th</sup> to 116<sup>th</sup>.

Mike Pollocoff:

We take from the County. Initially it was laid out by FEMA . . . happened at Zion. But they set up the cells for where those towers run. Before that had been placed on a pole, a regular telephone pole, power pole.

John Braig:

I can appreciate it if you're establishing a site with nothing in the vicinity you'd put it where you think you want it. But if there was some other possible location in close proximity to that site I think under normal circumstances you'd move to the available site.

Mike Pollocoff:

The dispersion maps that I recall, and it's been a while since I've seen them, based on the power of that siren that's how they all got located where they're located. We had to fudge like 100 feet or something like that but it wasn't—I guess if we want to relocate it we need to get Kenosha County, as it's their siren, to sign off on the fact that the new location would be acceptable.

John Braig:

Among other things when it was sited was Chiwaukee Prairie a consideration or was that recognized as something that could possibly developed?

Mike Pollocoff:

When the tower was sited? The plan that had already been adopted and the use that they proposed was in compliance with the plan as long as they built it within the parameters that they identified then and the ones that we've identified for this current site.

Thomas Terwall:

Mike, the existing tower is 65 feet tall and it stands 65 feet from the Sheridan Road right of way. The proposed new tower is 85 feet tall but only 80 feet from the right of way. If it were to fall that way it's okay that five feet of it is going to end up on the Sheridan Road right of way? We're

not required to have it whatever the height of the tower is as your minimum setback, is that correct?

Mike Pollocoff:

No, I don't believe so. Not to the street yard. It's 50 feet.

Thomas Terwall:

Fifty feet is all?

Mike Pollocoff:

Yes.

Thomas Terwall:

Tell the guy next door here it comes.

Jean Werbie:

Even if it fell towards Sheridan Road there's about 14 feet of green space between the right of way and the back of the shoulder. So it's still not going to hit into the travel lane.

Ron Zechel:

I asked one of the structural engineers at . . . that designs most of the towers throughout the United States because I had questions in how many monopoles fall and they said none. They're designed heavier than a building. So if they're structural stamped they're stamped all the way through. They're safer than a lot of other structures. If a tornado comes through you're going to see a lot of other structures fall before this.

Mike Serpe:

Mike, getting back to the size of the lot as far as how many sheds we can put on, what's your estimate?

Mike Pollocoff:

I guess there's definitely land to put more sheds on but you've got to clear more trees out to do that. That's really what we're trying to avoid.

Mike Serpe:

Okay.

Mike Pollocoff:

You could put probably another three sheds or huts.

Ron Zechel:

Or two at the most.

Mike Serpe:

Cell phone use is not getting less in this country. I just want to avoid the possibility of having to put another tower up a half a mile away from here if we can avoid it by making this one large enough to accommodate multiple heads. We have an opportunity to do it now and I think we should jump on it. If it takes a couple trees out is that going to be better than putting two more towers on between that site and the State Line.

Ron Zechel:

We can design the pole to expand. That would be the easiest.

Mike Serpe:

That would be great.

Ron Zechel:

We'll make the pole to stand to 100 feet so you get one more on top and one more below. Then your other facility could probably handle four.

Tom Shircel:

Tom Shircel, Village of Pleasant Prairie, 9915 Village Hall. Just to caution the Commission, there is a setback requirement. The height of the tower has to be the setback to the—the nearest principal structure on the lot has to be the height of the tower minimum. So I'm not sure, Ron, if—

(Inaudible)

Ron Zechel:

Probably 90 feet off that nearest house there . . . setback off the property . . . we were covered more than one to one on our pole. But that will be an issue if we raise or go above that 85 feet how close . . . structure.

Tom Shircel:

I don't know either. I think that was one of the conditions to show in the site plan how close the monopole is to the existing structure to the south. So in summary the tower can't be higher than the setback to the nearest structure on an adjacent property. So just keep that in mind.

Mike Serpe:

To avoid this I think we're all on board with this. If we can do it and do it within the guidelines do it. If we can't--

Ron Zechel:

We might be able to slide it--

Thomas Terwall:

Ron, I have a personal question. I'm a U.S. Cellular customer. When I leave here tonight and get in my car and try to call my wife to tell her to start supper because I'm coming home pretty soon, I get a message every time saying that I have to dial 1-262. In other words, I must be picking up an Illinois pole because it's not picking me up as being in Pleasant Prairie.

Ron Zechel:

You always have to dial a 1 and the number to go out.

Thomas Terwall:

No. Two blocks from here I can dial 694-7638 and get her.

Ron Zechel:

I don't deal with the sales part of it. I have to dial 1 no matter what.

Larry Zarletti:

I think what the problem might be is when you're in this building you're roaming so when you go outside if you turn your cell phone off and turn it back on it will grab the tower and you won't have to dial the 1.

Ron Zechel:

That's possible.

Mike Pollocoff:

We have a U.S. Cellular tower right here.

Larry Zarletti:

Right, but when you're inside the building oftentimes you're roaming because you're not getting out. You could try that. That might work for you. Otherwise I'll borrow you my phone.

Jean Werbie:

Mine's on right now. It might be your phone. I can dial right now. I'm not roaming.

Thomas Terwall:

If there's no further comments or questions we have three separate issues.

Mike Serpe:

I would move approval of Item B, 07-27.

Larry Zarletti:

Second.

Thomas Terwall:

**MOVED BY MIKE SERPE AND SECONDED BY LARRY ZARLETTI TO ADOPT  
RESOLUTION 07-27 WHICH IS TO APPROVE THE COMPREHENSIVE LAND USE  
PLAN. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

**AYE.**

Thomas Terwall:

Next item is the public hearing and consideration of the zoning map amendment.

Mike Serpe:

Move approval.

Wayne Koessl:

Second.

Thomas Terwall:

**MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING CHANGE. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

**AYE.**

Thomas Terwall:

Jean, before I request a motion on the third item, are we putting the horse ahead of the cart by approving the site and operational plan before the Village Board adopts the zoning? We're assuming that the zoning is going to pass the Village Board and I feel a little better about that now than I would of, say, nine months ago.

Jean Werbie:

It would be subject to the approval of the zoning as granted by the Village Board. If it's not listed specifically in the staff conditions it would need to be one of the conditions for adoption.

Thomas Terwall:

Then I'll take a motion. Is there a motion?

Donald Hackbarth:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE THEN TO APPROVE THE CONDITIONAL USE AND A SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM AND APPROVAL BY THE VILLAGE BOARD OF THE ZONING.**

Jean Werbie:

And the discussion this evening regarding the possibility of raising the tower additional footage in order to accommodate additional characters.

Wayne Koessl:

That's what I was going to add into it, Jean. That's part of that motion?

Donald Hackbarth:

Yes.

Mike Serpe:

Yes.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

**AYE.**

Thomas Terwall:

You can't accuse John of being a rubber stamp, can you?

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

**the 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:

Mr. Chairman and members of the Plan Commission, this is a public hearing in consideration of zoning text amendments. This is to Sections 420-105 F. (7), 420-106 F. (7), 420-107 F. (7), 420-108 F. (7), 420-109 F. (7), 420-110 F. (7), 420-111 F. (7), 420-112 E. (4), 420-113 F. (5), 420-114 F. (4), 420-115 F. (4) and 420-116 F. (4). This is 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.

On October 8, 2007, the Plan Commission approved Resolution #07-26 to initiate text amendments to the Zoning Ordinance as it 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 Districts.

During its September 24, 2007 meeting, the Plan Commission, while reviewing a previous zoning text amendment related to eave lengths on dwellings, directed the Village staff to initiate the process by which the Plan Commission could consider a zoning text amendment as it related to minimum roof pitch. So the main reason for this public hearing this evening then is for the Plan Commission to consider a 4:12 roof pitch or some variation or modification as approved by the Zoning Administrator in order to allow for roofs on dwellings that may seek a Frank Lloyd Wright prairie-style appearance.

Currently, the single-family and multiple-family residential district excepting the R-12, Manufactured Home/Mobile Home Park Subdivision Residential District, has this requirement. And so we are seeking to modify this requirement so that it can be allowed in many districts with the Zoning Administrator's authority. The staff has put together a number of slides and Peggy is just going to go through them very quickly. They're all different examples of where the roof pitch does not meet that minimum 4:12, and we just wanted to let you know that there are many varied designs primarily focusing on that prairie-style that do have a much less—

(Inaudible)

Jean Werbie:

I don't think so. I mean there are some in the prairie that Tom didn't get pictures of, but I know there are some in my own subdivision, there's some down in Carol Beach, so we do have them throughout the Village.

It should be noted that the Village's zoning ordinance was amended in September of 1998 to include some minimal design standards for single-family and multiple-family residential dwellings. Design standards such as minimum floor area, foundation requirements, one story length-to-width ratio, dwelling width, eave length and roof pitch were inserted in order to prevent

some very boxy, square, small homes to be located in the Village. So this is just another one of those elements that was put in as a design standard to eliminate that type of situation.

We have not had too many even requests for modification for the minimum roof pitch, however this flexibility allows for some design modification for someone who would like to do that. Therefore, the request this evening is to modify the ordinance for it to read as follows: That the main roof of a dwelling shall have a minimum roof pitch of 4:12 and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot or the roof pitch and/or the eave length may be reduced as may be approved by the Village Zoning Administrator. This is a matter for public hearing.

Thomas Terwall:

Anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'm going to open it up to comments and questions from the staff. Mike, I have a question to you. Have roofing materials progressed to the point where a flat roof isn't the problem that it used to be?

Mike Pollocoff:

No, I think what's really improved is drainage mechanics, the ability of having a PVC as a construction material that's going to be stable, it's not going to be subjected to the problems that tile did and the loading up of a galvanized or iron pipe so having that interior drain system off a flat roof. It would still have some kind of pitch, but a lot of these places would probably have a parapet wall that wouldn't be really high but there would be some pitch in there that you wouldn't see to get the water off. But up until probably 1980 PVC just wasn't fully acceptable as that hard schedule 40 pipe in dwellings. It was just being approved in commercial construction. Now, if somebody wants to put one of those things together they can get the water off their roof a lot easier than it would be before.

Thomas Terwall:

You would have no problems with this?

Mike Pollocoff:

I wouldn't build one but, no, I don't have a problem with it. To me the worry on those really the flat roofs for residential is snow loading more than anything. To me that's the bugaboo. If you get into one of those cycles where you get a freeze and you can't get—your drains get clogged and you get snow, at least if you've got a pitch you get some lucky guy up there with a shovel and get it all off. But on a flat roof that's the problem. But they sure look nice.

Thomas Terwall:

Comments or questions?

John Braig:

Not as a condition or anything like that, just a comment. I would find it interesting if the Zoning Administrator at some time did grant a waiver of sorts that we get some feedback on it.

Jean Werbie:

Okay.

Thomas Terwall:

Is there a motion to grant authority to the Czar?

Mike Serpe:

So moved.

Jim Bandura:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO APPROVE THE ZONING TEXT AMENDMENT TO GRANT THIS AUTHORITY TO THE ZONING ADMINISTRATOR. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**F. Consider the request of Patrick Finnemore with Kenosha Unified School District for a Certified Survey Map to subdivide the property generally located on the east side of 39th Avenue at approximately 110th Street.**

Jean Werbie:

Mr. Chairman and members of the Commission, in 1993 the Village Board approved a certified survey map to subdivide the property identified as the School District property on the east side of 39<sup>th</sup> Avenue at approximately 110<sup>th</sup> Street. It was known at that time as the Stahl property. We had approved it to subdivide the property into two parcels. However, the CSM was not executed by the property owners and, therefore, was not recorded at the Kenosha County Register of Deeds office. Although this was not recorded, the land area shown as Parcel 1 was conveyed and

purchased by the Kenosha Unified School District, and Parcel 2 is retained by Matthew and Patricia Stahl.

Parcel 1 is 66.5 acres with 1,124 feet of frontage on 39<sup>th</sup> Avenue. The property is vacant and is currently zoned I-1, Institutional District, and it is zoned C-2, Upland Resource Conservancy District for the wooded area on the property. Parcel 2 is 2.6 acres with 215 feet of frontage on 39<sup>th</sup> Avenue. It has a house and three outbuildings. The property is currently zoned R-4, Urban Single Family Residential District, and a small portion is zoned C-2, Upland Resource Conservancy District.

Additional right-of-way is being dedicated on 39<sup>th</sup> Avenue. All outstanding assessments and taxes shall be paid in full prior to recording the certified survey map. According to the Village records there are no outstanding assessments or taxes due on the property. Both lots meet and exceed the minimum requirements of their respective zoning classifications and the land division conforms with all applicable Village requirements. The staff recommends approval of the certified survey map subject to the owners executing and recording the certified survey map within 30 days.

Thomas Terwall:

Was that KUSD's responsibility or the Stahl's responsibility the last time?

Pat Finnemore:

The Stahl's.

Thomas Terwall:

And is it still the Stahl's.

Pat Finnemore

It is and they're aware of it.

Jean Werbie:

And this is Pat Finnemore from the Kenosha Unified School District.

Thomas Terwall:

Pat, come on up.

Pat Finnemore:

Pat Finnemore, Kenosha Unified. The survey was done on behalf of the Stahl's. Certainly looking back at the School District was intermittently involved in that effort and probably gave the Stahls a recommendation on who to work with probably as a surveyor at the time. But it was not recorded. There was some correspondence between the Village and the School District in

regards to making sure that that got recorded. It wasn't done. I've been there seven years so I can't go back that far.

But where we're at is we're looking at a plan to develop that site. I had some conversations with the Stahls so they're aware of what we're doing. They live in Woodstock, Illinois. They didn't choose to come this evening but they're more than interested in signing the CSM and submitting it and getting it recorded.

Thomas Terwall:

But there are no legal ramifications over the past ten years over the fact that this never got recorded, is that correct?

Jean Werbie:

That's correct.

John Braig:

Mr. Finnemore, the C-2, Upland Resource Conservancy District zoning, is that going to give you any difficulty when you intend to improve the property?

Jean Werbie:

I don't have the plan on the slide. But we do have a plan that was prepared by the Unified School District. And actually the Village in working with the developer of the Foxmore Subdivision back in 1993-94, he had donated some money to the Village to purchase and to identify a portion of this property for permanent park purposes. So the area where park and then eventually green space was to be located for the School District's property was where the trees were to be located on the site. And this was kind of south-central location. We actually have a copy of a conceptual drawing that was prepared by the School District on file that shows how the school and the roads would lay out and where the protected area would be identified.

Pat Finnemore:

There's actually a real large stand of oak trees in that area so that was why we chose that are to be conservancy long term.

Mike Serpe:

Pat, this doesn't have anything to do with the approval process tonight, but what's the long-range plan and when does Unified plan on looking at that site?

Pat Finnemore:

The plan is to build both an elementary and a middle school on that site and that was why the property was purchased in the first place. As far as short- or long-term plan, the first thing that will happen there will be the construction of an elementary school. You may be aware we're

looking at a high school referendum this coming February. The next referendum after that which is probably three years out would be to build two elementary schools and one would be on the Stahl property. As far as construction of a middle school there's been conversations with us and the Village that it is certainly our intent that the next middle school build by Kenosha Unified would be in the Village, but there are two sites, one that we own, the Stahl property, the other in the Highpoint neighborhood which is the neighborhood plan that the Village has approved and it may be possibly a more attractive site for the next middle school over this site. So that is the plan. And I guess my feeling would be that the best guess is there will probably be an elementary school on this site probably by 2013.

Thomas Terwall:

Thanks, Pat. What's your pleasure?

John Braig:

Move approval.

Larry Zarletti:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY LARRY ZARLETTI THAT WE SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**G. Consideration the change of the official address of the property located at 6131 104th Street to 6207 104th Street.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission, on November 5, 2007 the Village Board adopted Resolution #07-72 to initiate the address change of the property located at 6131 104th Street as shown on the slide. This property is further identified as Tax Parcel Number 92-4-122-271-0031. It's recommended that it be changed to 6207 104th Street in the Village.

The address change proposed is a result of the platting of The Courts of Kensington Subdivision, which is generally located on the north side of 104th Street between 57 and 63rd Avenues, and the required location of 62nd Avenue connection to Highway 165 by the Wisconsin DOT. The address of the existing home on the south side of 104th Street located at 6131 104th Street will need to be reassigned to 6207 104th Street as a result of the home being located west of the proposed 62nd Avenue.

The need for this change was discussed at the time the Plan Commission and Village Board adopted the Conceptual Plan, Preliminary Plat and Final Plat for the Courts of Kensington Subdivision.

The Village Board of Trustees will hold a Public Hearing to consider changing the address from 6131 to 6207 104th Street at their November 19, 2007. If approved by the Village Board the address change would be effective on January 1, 2008. With that, the staff recommends approval of the official address change and recommends that that recommendation be forwarded to the Village Board.

Mike Serpe:

So moved.

John Braig:

I'll second it but I have a question. Have we had any feedback from the property owner as to the impact of this address change?

Jean Werbie:

No, we have not received any feedback.

John Braig:

The only thing I'm thinking of is if they incur an expense this certainly is through no fault of their own whatsoever.

Jean Werbie:

But the public hearing to consider this matter will be before the Village board.

John Braig:

And they will be aware of that?

Jean Werbie:

They were notified for this meeting as well.

John Braig:

Good enough. Call for the question.

Thomas Terwall:

It's been moved by Mike Serpe and seconded by John Braig to send a favorable recommendation to the Village Board to approve the change of address. All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**H. Consider Resolution #07-28 to initiate a zoning text amendment related to fees for 2008.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission. The Plan Commission may initiate a petition for an amendment of a zoning ordinance which may include the rezoning of property, change in zoning boundaries or the text of the ordinance. The Village staff is completing it's annual evaluation of the zoning fees imposed by the Village for zoning permits application and other development-related fees.

The purpose of this resolution is to initiate the process for the Village staff to evaluate which fees are proposed to be modified for 2008. The Plan Commission is not by this resolution making any determination regarding the merits of the proposed changes of the text, but is only initiating the process by which the proposed changes of the text can be promptly evaluated. Village staff recommends approval of Resolution #07-28 as presented.

John Braig:

So moved.

Jim Bandura:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO ADOPT RESOLUTION 07-28.**

Wayne Koessl:

Through the Chair to staff, is it possible for us to get a comparison of our fees versus the Villages in Racine County?

Jean Werbie:

In Racine County, yes.

Wayne Koessl:

Thank you.

Thomas Terwall:

Before I call the question, how much has our workload changed as a result of the decrease in home building? Any?

Jean Werbie:

From the planning staff's perspectives ours has not changed at all. In fact, ours has more than doubled because we've been working with so many developers on new subdivisions and commercial developments and others. So we're just as busy as we have ever been before. With respect to actual permits being issue?

Mike Pollocoff:

Permits are down up until probably about a month because we in essence have a lot shortage in the Village. Between Village Green Heights, Devonshire, Ashbury Creek there wasn't a lot of lots available for people to choose from. That's now almost all opened up at once so now we're starting to get in building permits in what should be one of the more difficult times of the year let alone being a difficult economy.

So that being said permit numbers at the end of the year are going to be down, but if you look at a month-by-month basis, people taking permits out now are increasing. So how long that's going to hold on I don't know. I think given some of the economic news that we know is out there about the land I think that those numbers are going to continue to increase because it's going to be an inflow of people in the community.

The other side of the equation that's significant is the commercial development permits. Those are substantial what we're working on now. Residential, as we watch this thing kind of run its course, everything that professional we see tells us that through 2009 it should be somewhat slow. But we're in a little bit different case here because we've got companies that are relocating to the Village that are bringing people with them looking for existing housing stock and that pushes pressure up on new housing. And condominiums there's been a pretty good healthy push on the condominium market as well.

Thomas Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO ADOPT RESOLUTION 07-28. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**I. Consider Resolution #07-29 to initiate a zoning text amendment related to veterinarian and emergency veterinarian uses in the B-2 District.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission, Resolution 07-29 is a resolution to initiate a zoning text amendment. The Plan Commission may initiate a petition for the amendment of the zoning ordinance which includes rezoning of property, change in boundaries or changes in the text of the ordinance.

Section 420-119 allows for veterinarian offices if a conditional use permit is approved by the Village Plan Commission. Veterinarian offices may be considered similar to clinics and offices and often provide emergency services when the facilities are generally not open. And where the Village ordinance currently does not allow for regular office hours for emergency services for veterinarian offices, and so the purpose of this request this evening is to have the staff evaluate the veterinarian emergency service provisions in the conditional use section of the ordinance, and we are going to be initiating that review based on the Plan Commissioners' approval for modifications in the B-2 District as well as the conditional use provisions as well as definition section and any other section that might be applicable for this amendment.

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 in the text can be promptly evaluated by the Plan Commission and the Board.

Thomas Terwall:

Are you looking at the possibility of saying if my dog is sick it's going to be okay for the vet to come in at 7:30 at night, or are you saying it's going to be okay for the vet to be open from 7:30 until 10:30 just in case Terwall's dog gets sick?

Jean Werbie:

It would be the second, because at this time veterinary offices in the Village, and we currently have two or three, all of them have the ability on an on-call basis to meet you at the veterinary clinic for an emergency situation.

Thomas Terwall:

And that's not a violation of the zoning ordinance?

Jean Werbie:

No. But to have those as posted hours, for example, after a certain hour at night or through the night that would require some modifications of the Village zoning ordinance to allow—

Thomas Terwall:

But in that case it wouldn't be an emergency any more, right?

Jean Werbie:

No, it certainly could be. They would be emergency office hours. So it would be like an emergency at a hospital. Between the hours of 10 at night and 5 in the morning the emergency for a hospital is open and it doesn't require a special permit. This would through a conditional use with certain conditions and provisions. The request has come in for this and our Police Chief and our Fire Chief and our Village Administrator have been looking at it and we will review it and bring it back to you and certainly it would have to be only with specific conditions.

John Braig:

Move approval.

Jim Bandura:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO ADOPT RESOLUTION 07-29. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

**J. Review and consider Parts 3 and 4 of Chapter XIII, "Economic Development Element" of the Multi-Jurisdictional Comprehensive Plan for Kenosha County.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission, you have before you Chapter XIII, the Economic Development Element Chapter of the Multi-Jurisdictional Comprehensive Land Use Plan for Kenosha County. The plan is a 2035 plan. We have already reviewed and considered the adoption of the first two sections of this chapter. So what we'll only be looking at and considering for approval this evening are Part 3 and Part 4 of this chapter. Part 3 of the revised draft starts on page 18.

Again, Part 1 was the inventory and analysis of the labor force and economic base in the County. Part 2 is the economic development organizations and programs. We covered both of those already, and the Plan Commission and the Board have approved those sections.

Donald Hackbarth:

Going back to page number 6g or whatever it is, it's Table XIII-11, median household income. it states here that Pleasant Prairie has a median income household of about \$63,000.

Jean Werbie:

Correct.

Donald Hackbarth:

It would be very interesting to see how that breaks out as far as actual income. I don't know how to say this. The way I see it we have a lot of very, very low paying jobs here other than the industrial park.

Jean Werbie:

This is the median household income for residents in the Prairie through 1999. It's almost ten years old.

Donald Hackbarth:

Yes, I agree with that. I don't know what percentage of people work at Abbott, but that's really inflating that income level. What I'm saying is Abbott pays a good wage. I'm not so sure some of the industry in the industrial park are paying a good wage.

Jean Werbie:

We don't have it here but I know that KABA does a salary survey and a wages survey and we can obtain that information if you'd like me to bring that back to you. I mean they're not going to tell you by company but they'll give us average information.

Mike Pollocoff:

It's in KABA's community economic development survey. They don't list it by industry but there's a range. But there are businesses that pay on the bottom end and there are businesses that pay, a few businesses in the existing corporate park where they have a lot skilled people working there whether it be chemist, biologists, IT people, and then we do have some factory work or some piece work going on, too.

Donald Hackbarth:

I almost see it as, and I don't want to see hopscotch or whatever, but I see people outside of the community coming in here because there are some pretty low wages in the industrial park, and people in Pleasant Prairie are going out of the community to earn a salary that befits their home and their lifestyle here in the Village.

Mike Pollocoff:

If you look at the continuum of what we've done as a community, if you go back to 1989 when it was a cabbage field and we were still a town, and you look at what constituted good economic development in 1989, it was really a spinoff of what Chrysler was doing. We were looking for manufacturing work that probably we wouldn't have gotten manufacturing work that paid as much as Chrysler, but we were looking for manufacturers that would provide a healthy wage for anybody who's not working in the auto industry. And that was good. At the time it provided a relief valve especially when you had as many people that were out of work at Chrysler as were at that time. And if you look at the development of LakeView Corporate Park the initial businesses fit that mold.

Then as time went on manufacturing jobs weren't that great and it became easier to sell land in the Corporate Park for distribution, logistics, things like that. So they could dispose of their land at a faster rate and maybe those jobs, again, weren't manufacturing but they were still jobs. I think what's happened is the nature of work in the country and in Pleasant Prairie has changed drastically from when we set the Corporate Park up. That's why the steps we took in creating that district on the west side of the Interstate in saying that it's not going to be heavy industry, that it's going to be light industrial professional offices and we put in those improvements that attract broadband users and that type of technology, it's the only way we're going to get jobs in here that are going to say people will want to live in Pleasant Prairie because they could work in Pleasant Prairie.

But the transition we've been in from a heavy manufacturing economy to look how many businesses we've lost in Pleasant Prairie that have gone off shore. There is no real manufacturing jobs left. The ones we've had have been leaving, so if you look at the businesses going to LakeView Corporate Park recently, U-Line is a distributor, a good paying distributor but still a distributor. You're not going to get the—they've been distribution, they've been SC Johnson, the people that contracted with. Those are the people that are looking for the buildings out there. The Corporate Park's incentive is to unload the land and get as much sold as they can. That helps us from a property tax standpoint but it doesn't help us from a job standpoint. When we initially set that up that was really what we were looking for. We wanted jobs, but we also wanted property tax base to diversify the tax base here.

Donald Hackbarth:

Just at the church, when you have people coming in saying they're looking for a job or they're looking for work, they can't afford to go to the industrial park and get a job. They go outside of the area.

Thomas Terwall:

But if you look at the contract that United Auto Workers just signed with all three of the major big three they cut starting salaries in half. So the days of the \$30 wage in the automotive industry are coming to an end. Anybody getting hired into the big three now is going to start at \$15 and there are a lot of \$15 jobs in the industrial park I think.

Mike Pollocoff:

As a community we need to do a couple things. One is to make sure that the workforce we have, and that includes our kids that are in school now, they've got to be educated to do more than work in a factory. They've got to be educated to do that next level of work. The factory work and all that stuff is going off shore. Hopefully the work that is retained here in Wisconsin and the country is the innovative work, the creative work, that next level of work. It's important that the School District address that and the whole community addresses that we need to raise our kids and the people here to do that next level. Over time hopefully we change out the corporate park so it's not the—I'm not saying it all is but there is a lot of businesses out there at the bottom end because kind of like a lake turning over. The economic conditions that existed in 1989 don't exist anymore. It's a whole different formula but we still have the infrastructure out there and the buildings.

Hospira is a perfect example of taking a distribution building and making it an office building where there's some good paying jobs out there. The building just was modified to accommodate a different type of use. They're not loading stuff in and out of there. There's a lot of potential for things like that. I don't know that you can really kind of label everything out there as low paying because it's got potential, but I think the work that we're doing right now with Abbott to put that agreement together has got a couple of really good employers that are looking to move to this community that we're trying to keep shielded here for a little bit longer is going to drastically change the profile of what we do here, and I think that's what we need because we need companies that will come here and do that stuff. We don't need a dog track. We don't need things that are just going to not enhance and raise the value of work here. We need people who are going to bring people to enhance the value of work here and place greater demands on us as a community to produce families that are going to be able to work in those places.

Jean Werbie:

Part 3, Economic Projections and Desirable Businesses. This section sets for the projected number of jobs in 2035. Again, this is within the County and within the region as well as the Village and assessment of the desirable new businesses and industries, and an assessment of the County's strengths and weaknesses with respect to attracting those businesses and industries.

Part 4 is the economic goals and objectives which sets forth the goals and objectives to the plan design year of 2035.

Future employment levels in the County are expected to be strongly influenced by the strength of the regional economy as well as the rest of the State and the nation. SEWRPC's economic study which was prepared as part of the regional land use planning program concluded that the regional economy is unlikely to significantly increase or decrease in strength relative to the State or the nation, so we are influenced by the larger market.

Employment projections by industry sector in Southeast Wisconsin, I highlighted this and you can certainly read through this in each of your chapters, but I was just interested to see how each of the manufacturing industries and sectors are going to be affected as projected by SEWRPC. Printing and publishing is one manufacturing industry that is projected to retain its overall strength. Fabricated metal products, these jobs are expected to move overseas for lower labor costs resulting in a projected 55 percent decrease. Industrial machinery and equipment, jobs in this industry are projected to decrease from 48,000 to 24,900 and that's within the region. Electronic and other electrical equipment jobs in this industry are projected to decrease by 43 percent. Other manufacturing, jobs in the region are projected to decline by 15 percent. Again, these are all things that Mike was just alluding to with respect to the overseas market.

Construction, the number of jobs in this industry is projected to grow by six percent in the region. Retail trade jobs are projected to grow by six percent in the region. Wholesale trade are projected to decrease in the earlier portion of the projected period and recover in the later portion of the period to the 2000 level of 64,400. Transportation, community and utilities regional employment is expected to decrease by seven percent. Business services is expected to grow very rapidly. Under the regional projection business services employment will increase by 60 percent. Social Services employment is expected to increase by almost 81 percent. Employment of other services is expected to increase by 35 percent. Finance, insurance and real estate is expected to grow by 11 percent. The government employment is projected to increase slightly over the next 30 years. Agriculture, which is the conversion of farmland to urban uses may also be expected to reduce the agricultural employment in the region and it's intended to decrease by about 20 percent.

Within the chapter that you see before you, the County put together a listing of businesses and industries that the County should consider attracting, retaining or expanding. Again, there was both a multi-jurisdictional brainstorming sessions as well as some other sessions that were held by the County, and these were some of the ideas and thoughts that they came up with, that we should attract, retain or expand data and information technology, advance technology manufacturing and engineering, bio-fuel technology and bio- technology, in general recreation, hospitality and tourism, professional and technical services, business and corporate management, jobs that support agricultural and rural lifestyles, home-based businesses, service sector businesses, healthcare, assisted living and senior care. Interesting to note 2.3 percent of employed County residents work from home and that will increase significantly.

As part of that brainstorming session they had a discussion about the strengths and weaknesses within the County and a SWOT analysis workshop of the strengths, weaknesses, opportunities and threats was conducted. Also at the Kenosha County Café these items were discussed. The County's perceived strengths for attracting and retaining businesses and industries include the

availability of the workforce, land and housing options, availability of business resources and financing, Lake Michigan, lack of congestion and reasonable commuting distances, good quality schools, good quality of life in general, low crime rate, tourism and recreational opportunities. The community has begun to attract a dynamic and diverse business mix, current increase in construction, history rooted in manufacturing.

Perceived strengths include active organizations and community leaders committed to attracting businesses and retaining them, strong intergovernmental cooperation, our location, proximity to areas fast growing and fast growth of area counties, access to national and international markets, good infrastructure and accessibility, a long history of planning and zoning, strong projected population growth, skilled workforce with good work ethic, availability of workforce, land and housing.

The County's perceived weaknesses as noted in the chapter regarding attracting and retaining desirable businesses include lack of mass transit, lack of dedicated funding for mass transit, a brain drain problem for many educated and skilled young people leaving the County, mismatch between educational attainment and skills and job skills desired by employers, perception of deteriorating air quality, need to prepare for and invest in the expansion of infrastructure, lack of understanding about the importance of agriculture, lack of entertainment venues and cultural attractions, lack of hospitality services, perceived reputation as a blue collar or lunch bucket town, perceived reputation as being thrifty and unwilling to spend money on non essential items, growing concerns over housing needs, monitoring of the air quality within the area, jobs in Kenosha County pay lower wages and salaries than jobs in neighboring Illinois, negative perception associated with casinos, lack of retail, especially in comparison to Racine, history rooted in manufacturing and the economy may be seen as being undiversified and could face difficulty in the face changing economy.

Thomas Terwall:

I have a question to our Representative from our 65<sup>th</sup> District. John, if you were a betting man, what do you see as the possibility of KRM being approved in a stand alone environment?

John Steinbrink:

(Inaudible)

Thomas Terwall:

But nor are we looking at charging the outlying areas, correct?

John Steinbrink:

It depends which plan they're going to use because they're talking about a rental tax on cars or there was talk of a sales tax, and if they go with the sales tax then it's going to affect us greatly, especially us with the Prime Outlets, and that's going to hurt our respective competition wise if we were to impose that tax upon those businesses.

Mike Pollocoff:

The other thing that ties into that when Jean was reading through those comments, they said there's weakness in the west part of the County for mass transit. There's weakness in every place but Kenosha and even Kenosha is marginal. Kenosha has its own transit system, the County went out and got grants for transit west of the Interstate for door-to-door pickup and they excluded Pleasant Prairie and Somers. So the backbone of transit within Kenosha County is incredibly weak.

The SWOT analysis that was done President Steinbrink and I were there and I would hope as we go down the road I think that some communities are going to be well served by having that done internally by their own communities and own cafes. It was a pretty diverse group of people but it was—I guess there weren't a lot of decision makers there or the people who are involved in planning on a daily basis that you'd want to have to that review plans by planners. I think that they kind of overshot the mark with some of the data that SEWRPC provided with the change of the economics of the community that Jean read initially. That's what's driving it. I think the SWOT analysis doesn't tell you how do you fix it. It just says here's what we think. That's where there's a disconnect.

So if you have that and the KRM but we can't afford local transit, there's a lot of disconnects in there that don't tie together. Some of the things that sound good like it might help, but I don't think that either the SWOT analysis, and that's really what I think we're doing and I hope every community is doing, that hasn't been vetted through local government to see how it's going to work in those communities. It was done by 40 or 50 people at an afternoon at a County meeting.

Wayne Koessler:

Mr. Chairman, I don't think the rental fee is going to pay for what is needed for the KRM and the associated ground transportation that's needed. I still think they need a quarter of one percent sales tax and they can use that to upgrade their ground transportation in all the areas and then do the KRM. If you drive from Kenosha to Milwaukee the train is going to take you longer and you have to look for ground transportation in Milwaukee which are you going to do? You're going to drive. And they've never addressed the ground transportation problem. I think they have to be really realistic and look at a quarter percent of the sales tax so you can do that. Kenosha County gets about \$13 million a year from a half percent sales tax. And a quarter percent would help the municipalities build up their ground transportation to get a nice station, adequate parking so people have a place to go. I'm sorry, I don't think the rental tax on cars is ever going to do it.

John Braig:

Getting back to this report if someone were to have asked me what our environmental condition is whether it's improving or getting worse, everything I have ever read tells me it's deteriorating and my source of information basically is the *Kenosha News*. But I know here on page 23 there's a note U.S.E.P.A. monitor trends report data from the monitoring station in the Chiwaukee Prairie, levels of reported criteria air pollutants indicate an improvement in air quality since 2003. I find that quite a surprise but very good.

The other thing that I noticed here or caught is on page 8b, item number 56, Tirabassi & Sons, Inc., this is a listing of contaminated sites in Kenosha County, it refers to the northwest corner of 39<sup>th</sup> and 85<sup>th</sup> Street. That's a dental office.

Mike Pollocoff:

That should be northeast unless there's something in the dental office we don't know about.

John Braig:

With that, what are we looking for, to accept this and approve it?

Jean Werbie:

I didn't go over the last Part 4. This area of the chapter covers economic development issues. Although a good workforce, low unemployment rate and leadership encouraging economic development were identified as strengths, the lack of high paying local jobs, the loss of skilled and educated workforce to other locations and the decline of traditional industries and the loss of jobs were viewed as weaknesses. So it sounds like we do have strengths and weaknesses as well as some opportunities that we need to look at. The history of manufacturing in Kenosha County is a strength, it's a weakness. While the availability of this workforce keeps changing, we need to look forward to how it can continue to be diversified.

The following specific economic development issues have been identified and very specific goals, objectives and policy recommendations were developed by Kenosha County. The four are employment issue, labor force issue, business location issue and attracting and retaining desirable business issue.

The economic goals, objectives, policies and programs were developed using inventory data, public input as well as previous information that was gathered through the Kenosha County workshops. Overall economic development goals and objectives as set forth in the slide and in your chapter, under economic goals and objectives there's three primary goals, to identify and encourage desirable, diverse and sustainable businesses, attract and retain jobs, identify economic and educational opportunities.

As you can see, they've set forth five different objectives on how to obtain those goals, identifying a variety of business clusters, encourage County wide regional cooperation, cooperation between schools and businesses, develop methods to retain farmland and encourage agricultural as a viable portion of the economy, to capitalize on tourism amenities.

The second overall goal to promote an adequate number of jobs in Kenosha County to serve our population at 2035 of 210,100 persons. Objective include promote the addition of about 20,000 jobs in Kenosha County through the comprehensive design year of 2035, encourage business development that provides a living wage for its employees and enables employees to afford housing in the County, encourage business development that matches the educational attainment of residents within the County.

Some labor force issues and recommendations, goals to promote an adequate supply of workers to meet the employment needs of the businesses. Some objectives, promote educational programs to prepare workers for the jobs in the desired businesses, promote a labor force of about 88,500 workers. Business location issues and recommendations, the goals to promote an adequate number of sites for business retention, expansion and attraction in the County. Maintain and enhance the agricultural industry in the County.

Objectives include promote an adequate amount of available and suitable land with supporting infrastructure for business retention, expansion and attraction, protect the lands identified as agricultural, natural and cultural resources, and to promote redevelopment of underutilized commercial and industrial land in the County. Specifically in the chapter it does go into more extensive narrative that talks about the various recommendations for each of these sections which go into these objectives in detail.

Then, finally, attracting and retaining desirable businesses, issues and recommendations. The goals to attract desirable businesses and to retain and grow existing businesses within the County. Objectives, maintain positive attributes or strengths of the County for attracting these businesses, address the weaknesses of the County regarding business attraction and protect those lands of agricultural significance within the County. That pretty much covers the chapter, the two sections. If there are any specific—

Donald Hackbarth:

Jean, you can set all kinds of goals and stuff like that, but is there a plan set in place on how they're going to accomplish this? Is that part of the—I didn't read the chapter but you've got to have a plan. You have to say this is what we want to strive for, this is the goal, this is the objective, this is where we want to be in five years. Do they have a plan?

Jean Werbie:

Actually in the chapter it does set forth the various plans that the various economic development groups are setting forth to help us achieve those plans and the intergovernmental cooperation. Each of the focus groups that were identified by the County each will have various plans and objectives. The ones in Kenosha County include KABA, the Chamber, Workforce Development, Chamber of Commerce, UW-Parkside Small Business Development Center, the Regional Economic Partnership. Covering this area also is the Milwaukee Seven. So there's a number of economic development groups that specifically as part of their economic development plan set forth the goals of what they need to work towards and what projects or programs that they're going to do to try to achieve these objectives.

Each local community has set forth economic development plans like Pleasant Prairie through the creation of our Tax Increment Finance Districts, our economic programs through our CDA and our redevelopment areas. So we need to continue to forge ahead with respect to our particular programs, and each community has a responsibility to the larger community of the County and to the larger community of the region to continue to promote these types of activities. We can't do it individually and we can't do it without each individual community and agency taking a part and trying to achieve those goals.

(Inaudible)

Jean Werbie:

I do, and I think we have taken unbelievable strides in this County and in this community since 1988 to make that happen. We've got almost 9,000 more jobs in Pleasant Prairie that are serving this community that we didn't have in 1988. And that didn't go and wasn't achieved at any small feat.

(Inaudible)

Jean Werbie:

I think we work very well with Kenosha and with Kenosha County.

Mike Pollocoff:

Maybe one of the things the Plan Commission might want to consider is it's a comprehensive plan for the whole County, but as you know we're each going to create our own comprehensive plan. But a lot of those goals in there they're County wide goals and the County has to look at a broad area, but maybe some of the things that we're more concerned about like what kind of industries you want to attract, where do we want to go specifically as a community, maybe we should take a more in depth look at that and evaluate that and make that a part of our plan. I mean that's the vision we have for ourselves and where we're going to go is what's going to drive how we plan infrastructure, how we plan modifications in our zoning ordinances, the things we accomplish, where we want to be.

Right now if we're going to lump ourselves up with the entire County some of those goals get diluted a little bit and I don't know if they really pertain to something that you're going to want to be receiving proposals on in the next 30 years to get us to where we want to be.

Jean Werbie:

It is our intent that once we've gotten through a portion of this County plan and we start getting these chapters from SEWRPC, we are going to begin that process then and refining it specifically for Pleasant Prairie and we'll be presenting it as our goals and objectives.

Donald Hackbarth:

Looking at our past and looking at the things that have been achieved already I feel more comfortable with our path than with some other communities west of the I.

Thomas Terwall:

But, Don, take into consideration the entire County. If you think of what the level of preparation was in this entire County when Chrysler dropped the shoe and said they were going to stop, we were no more prepared for that than the man in the moon. That was the golden cow that was

going to continue to give golden milk from now until . . . came to an end. There was little or no planning or what are we going to do and I think we've made great strides in that regard.

The other thing I was thinking about is technology has such a big role in what's going on here. If you go back ten years ago Cherry does a lot of metal stamping, and it was always cheaper to have it done off shore especially in China. But you couldn't do that because, number one, it took anywhere from 16 to 24 weeks from the time a tool got designed in this country until you got it cut over in China and put out parts that were acceptable and then forever to get the parts over here. Now with technology the way it is in computers they can bang out a tool or mold or die a hell of a lot cheaper than we can over here overnight. That's why we're losing the business. Cherry is not doing any manufacturing in Pleasant Prairie at all anymore. It's all in Mexico and in China.

Mike Serpe:

If you look at the environment in China and in Mexico, China especially, the rivers or creeks you can walk across them they're so polluted. Yeah, they're doing all the manufacturing for us, but you know what, they're killing their own country. Ours is getting better, theirs is getting worse, but their the ones that economically are going to make it more so than anybody else.

Donald Hackbarth:

A number of years ago when we were dealing with water issues and we were talking about cleaning up and protecting our streams and all the things that are flowing into our community we did a lot of things, and I still remember asking the question but what about the people upstream, what are they doing? And the general consensus was nothing and we're doing all the work to keep our areas clean. That's what I'm saying, I'm saying that this community and this leadership is doing great stuff. I don't know what's going to happen in Trevor. I don't know.

Thomas Terwall:

I don't know if anybody saw the news over the weekend, but I'm not even sure which university is in Athens, Georgia, one of the big schools down there had a football game, a home game Saturday, and you were not allowed to flush the toilet. They're literally out of water. So you've got 75,000 people showing up to the football game and you can use the bathroom but you can't flush.

Mike Serpe:

The prediction soon is that there's going to be wars over water between communities. That's already the groundwork being started already in the south.

Thomas Terwall:

I am so thankful that the Great Lakes Pact includes the two provincial governors from Canada because if it wasn't for that you could bet your bippie that Washington would already be dividing

up the Great Lakes water and selling it to Arizona but under the current pact they can't do that. Well, since we've solved all the problems we need to adopt this, Parts 3 and 4.

Mike Serpe:

Move for adoption.

Jim Bandura:

Second.

Thomas Terwall:

Motion by Mike Serpe and seconded by Jim Bandura. All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

## **7. ADJOURN.**

Donald Hackbarth:

Move adjournment.

Mike Serpe:

Second.