

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

A meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on December 10, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. Also in attendance was 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:

I have none this evening.

- 4. CONSIDER THE MINUTES OF THE NOVEMBER 12 AND 26, 2007 PLAN COMMISSION MEETINGS.**

Larry Zarletti:

Move approval.

Jim Bandura:

Second.

Thomas Terwall:

MOVED BY LARRY ZARLETTI AND SECONDED BY JIM BANDURA TO APPROVE THE MINUTES OF THE NOVEMBER 12 AND NOVEMBER 26, 2007 PLAN COMMISSION MEETINGS AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS.

Thomas Terwall:

Items A through K on tonight's agenda are all public hearings. Therefore, if you wish to comment on any of those items we would ask that you hold your comments until the public hearing is held so your comments can be included as an official part of the record of that public hearing. However, if you're here to Item L, or if you're here to raise an issue or ask a question about an item not on the agenda, now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak? Hearing none, we'll move on then to New Business.

6. NEW BUSINESS.

A. PUBLIC HEARING AND CONSIDERATION OF A CERTIFIED SURVEY MAP, FINAL CONDOMINIUM PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS for the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue (CTH ML) Consideration of a for the proposed 4-7 unit condominium buildings to be known as Springbrook Place Condominiums.

Jean Werbie:

Mr. Chairman, I would ask that Item B be taken up as a public hearing at this time. I will be making one presentation, however separate actions will be required.

John Braig:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO CONSIDER ITEMS A AND B TOGETHER WITH TWO SEPARATE VOTES. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

B. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND ZONING TEXT AMENDMENT for the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue (CTH ML) to rezone the properties from R-11 (UHO) Multifamily Residential District with an Urban Landholding Overlay to R-11 (PUD) Multifamily Residential District with an Planned Unit Development and a Zoning Text Amendment to create the specific PUD requirements for the Springbrook Place Condominium Development.

Thomas Terwall:

Go ahead, Jean.

Jean Werbie:

Mr. Chairman, Items A and B on the agenda this evening, the petitioner is requesting final plat approval for the proposed redevelopment of the properties generally located at the southeast corner of 22nd Avenue and 91st Street in the Village of Pleasant Prairie. The petitioner is Jonah Hetland of Mills Enterprises, LLC, who is the agent for BFU II, LLC. The petitioner is requesting a plat for four 7-unit condominium buildings to be known as the Springbrook Place Condominiums.

The second item on the agenda is the consideration of the zoning map and text amendment for the proposed project just reference. The petitioner is requesting to rezone the properties from R-11 (UHO), which is Multifamily Residential District with an Urban Landholding Overlay District, to an R-11 (PUD), which is the Multifamily Residential District with a Planned Unit Development, and the zoning text amendment will create a specific PUD requirement ordinance for the Springbrook Place Condominium Development project.

As some background information and TID #4 for this project, the referenced properties that exist on the site are characterized by a rundown neighborhood strip retail center that was originally developed in the 1959. It's surrounded by smaller single family residential land uses including a private church, school institutional land uses and environmental uses. The retail center is older, worn out and deteriorated. It's been the location of several fires and a target for vandalism and uncontrolled dumping over the years. The building, due to significant water damage from a leaking and damaged roof, has significant mold growth and several other health, safety, welfare, building code and fire code violations. The site also has a number of zoning and municipal code violations that relate to building maintenance, obsolete signage, broken and deteriorated parking lot areas, tall weeds and grasses.

A Phase I and a Phase II Environmental Site Assessment were prepared by Daniel J. Burns and Jason Herbst with Drake Environmental on January 6, 2003 and March 14, 2003, respectively.

The Phase I Environmental Assessment provided a detailed inventory of the site and its uses, an environmental analysis, interviews, aerial photograph interpretations of the site between, and this was site interpretations between March 1963 and April 2000. The site was examined and there were some findings and conclusions that were prepared as part of an environmental document. What they did find is that there was a local dry cleaning establishment that had been present on the site in the 1970s, and because solvents were typically used in that dry cleaning process the potential existed for a release to have occurred into the soil and into the groundwater.

Therefore, a Phase II Environmental Assessment report which included detailed soil probes and samplings on the site, monitoring well installation, groundwater sampling, analytical testing, field evaluation and inventory of the site had been prepared. The analytical results indicated that dry cleaning solvents were found to be impacting the soils and the groundwater on the site.

On September 5, 2007, the Village's Community Development Authority reviewed the property and approved a Blight Determination Study which included the Village's staff analysis of the properties which also included the Phase I and Phase II Site Assessment Reports. Their Resolution #07-01 determined that the subject properties were blighted pursuant to the Wisconsin State Statutes

To assist in the required environmental cleanup of the site the developer requested the Village to create a developer funded Tax Increment District #4 to provide for blight elimination, rehabilitation, and redevelopment of existing property in order to create an economically viable future use benefitting the immediate area and the entire Village. Major project areas of the district included environmental investigation, cleanup, monitoring, and closure; demolition; and brownfield specific infrastructure components. The total cost for the proposed cleanup of the projects is estimated at \$715,365. The Village will issue a revenue bond, payable only from tax increment revenue generated by the developer's property in order finance the project clean up costs. The developer will be the purchaser of the revenue bond and is obligated to secure private financing to obtain the funds necessary to purchase the bond and provide funding for the project costs.

The next section outlines various dates of action that were taken by the Village. On August 27, 2007 the Plan Commission adopted Resolution #07-17 which approved the designation of the TID #4 boundaries and approved the draft Project Plan for Tax Increment District #4. On September 5, 2007, the CDA approved the Blight Study prepared for the properties. On September 10, 2007, the Plan Commission held a public hearing and recommended that the Village Board approve the creation of TID #4 and the TID #4 Project Plan. On September 24, 2007, the Village Board approved the TID #4 Project Plan. On October 1, 2007, the Joint Review Board approved TID #4. The Village Board conditionally approved the development agreement related to the TID # 4 project and general agreements with the developer regarding this new condominium project on December 3, 2007. In addition a second development agreement pertaining to the condominium development and public improvements will be considered by the Village Board, along with the Certified Survey Map, Final Condominium Plat, Engineering Plans and related documents on December 17, 2007. Those are the items that are before this Plan Commission this evening.

Under the comprehensive plan compliance, the proposed Springbrook Place Condominium Development is located within the northern portion of the Barnes Creek Neighborhood. The Comprehensive Plan indicates that this project now should be located within a lower medium density residential land use designation. This project does comply with that designation.

The Plan Commission on September 10th approved a neighborhood plan for this property. At that time that plan was to redevelop this property with four 7-unit condominium buildings. The Springbrook Place Condominium conceptual plan was conditionally approved by the Village Board on September 17, 2007, and the preliminary plat was conditionally approved by the Board on November 19, 2007.

With respect to the proposed residential condominium development, specifically the petitioner is proposing to redevelop the 3.35 acre property with four 7-unit condominium buildings. Approximately .16 acre of the land will be dedicated for the future widening of 22nd Avenue. The net acres of the site will be 3.2 acres which will give us a net density of this project at 8.8 units per acre. Approximately 53 percent of the site will remain as common open space which includes some woodlands and detention and open space on the site.

As outlined in the staff comments, and we have verified these numbers since our last Plan Commission meeting, each of the four condominium buildings will have 7 units and the units range in size from 1,091 to 1,745 square feet. There are no basements proposed for this project at this location. And the project will include the following types and sizes as outlined in the staff comments. Again, these were compared to the condominium plat and verification of the square footages was taken into account.

Under estimated population projections, 28 dwelling units will come from this development. Approximately 76 persons could result from the full build out of this development. Also, 17 school age children could result or 12 public school age children. Again, this is based on the percentages as provided to us by Kenosha Unified School District.

Under public sewer and water and private storm sewer facilities, as we've indicated in the past, public sanitary sewer and public water facilities will service this site. The developer will be installing all of the public and private developments on this site. The storm sewer, as well as the detention basins adjacent to 91st Street will be private in this development.

The developer will be required to dedicate a water, access and maintenance easement and install a water lateral to the southern property boundary to service the Mullins' house to the south. The water lateral will be required to be bored under the trees. It is recommended that the developer work with the property owner to make the connection to the adjacent property owner's home. The storm sewers and the detention basins, again, will be private on this site. The roadway at 91st Street is located actually in the City of Kenosha, so the developer will be required to obtain a City of Kenosha work in the right of way permit before commencing this project.

Under zoning text and map amendments, the three current properties which will be combined as a part of the certified survey map are currently zoned R-11 (UHO). The request is for these properties to be placed in the R-11 (PUD). A few dimensional variations are proposed at this time to be included in the PUD including having more than one building proposed for this particular property; and the buildings adjacent to 22nd Avenue are proposed to be a minimum of

40 feet wherein typically a 65 foot setback is required. Again, there will be no direct access from the condominium project to Springbrook Road.

In consideration of these dimensional variations to the Village Ordinances, the following requirements are set forth in the PUD Ordinance: 80 percent of the building units will be required to be owner occupied, which means that 20 percent will be rental. And then we wrote a provision specifically that this is 80 percent of the total number of units constructed on the site. All condominium units shall have individual exterior entrances and attached garages, and exterior building materials are specific identified in the PUD. The sanitary sewer and water mains and related appurtenances within the development shall be public; an additional 17 feet of right-of-way shall be dedicated on the Certified Survey Map for the future widening of 22nd Avenue. Although there is no C-2 woodland conservancy zoning on the properties, they are protecting the woodlands along the southern, eastern and western portions of the site with tree preservation and protection easements and these areas are not to be disturbed. Then, finally, the storm water detention basins, access and maintenance easement areas are located within easements that the Village will have a right but not an obligation to maintain.

With respect to the development's schedule, the developer anticipates to begin the remediation of the site and initial infrastructure work over the next several months. In fact, they would like to I believe begin this month yet with respect to demolition or razing of the existing structure in order to have the site clean and ready for construction by May of 2008. At that point the developer intends to obtain permits and to construct the four foundations for the buildings. The construction for the first building is anticipated to commence in 2008, and as negotiated with the Village each year subsequent to the first year they intend to pull building permits and commence each of the next three condominium buildings.

Under the fiscal review, in addition to the impact fees due at the time of building permit, the developer has agreed to a cost sharing agreement to donate \$891 per housing unit as a cost sharing contribution for each of the residential units within the development to address the shortfalls in funding and fees collected for police, fire, EMS and public works impact fees. The referenced \$891 is per each residential unit in the site.

You have in your packets also the development agreement, a certified survey map and the plat documents. The staff recommends approval of each of these documents subject to the comments and conditions. The developer does intend to finalize this document and record the condominium plat before the end of the year.

Thomas Terwall:

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

Donald Hackbarth:

The first thing is, again, I would like to repeat it would be nice to have these pages numbered because I don't know how to reference this other than saying the public sewer and water, the private storm sewer and water and I don't know what page you want to call that. But, anyway,

has the developer agreed that he will take the—he will bore under the trees to have access to that private residence to the south.

Jean Werbie:

That's my understanding, but the developer's representative is in the audience.

Donald Hackbarth:

I'd like to know that, yeah.

Thomas Terwall:

Need your name and address, sir.

Jonah Hetland:

Jonah Hetland, 4011 80th Street, Kenosha. Yes, we have agreed to that.

Thomas Terwall:

Jean, with respect to that same issue, are the Mullins required to hook up to water or is this being done because there's contamination of their groundwater?

Jean Werbie:

I need to ask a question, Jonah. Have we received the results regarding the site?

Jonah Hetland:

No, we have not received their well results yet. So it was our understanding at first that if their test came back and it showed they were contaminated then at that point we were going to commit to extending it underneath our property line to the end of their trees to get it at least so it's underneath all the trees. But the last meeting or two meetings ago Mike brought it up and said, well, I think regardless while we're in there doing the water work we should just get it done and have it at least stubbed to a certain point whether it's contaminated or not.

Donald Hackbarth:

And you agreed to that?

Jonah Hetland:

Yes, we did agree to that.

Thomas Terwall:

So at this point we don't know whether or not the Mullins are going to have to hook up or not, is that correct?

Jean Werbie:

That's correct. I don't know that.

Thomas Terwall:

And if they do have to hook up what's their fee? Would it be a standard connection fee?

Jean Werbie:

There are no connection fees for municipal water in Pleasant Prairie.

Thomas Terwall:

Other than the front foot assessment, is that correct?

Jean Werbie:

I would have to verify that with Mike Pollocoff.

Jonah Hetland:

It will be up to them to take it from that point on to their house to connect it.

Thomas Terwall:

Anything further? Mike?

Mike Serpe:

Two Board meetings ago there was some concerns by the developer about a couple of issues and as a result of those concerns Jean and Rocco and I believe Mike was involved, Mike Pollocoff and they were resolved. And the job that the three did is to be commended because it was explained to us at the last Board meeting. I can't say enough about the end result which was agreeable to Mr. Mills and the rest.

Larry Zarletti:

I know we talked about this before but who polices the 80 percent owner occupied?

Jean Werbie:

The condominium association. It's a provision in the zoning ordinance as well as part of the PUD. So if a complaint is filed with the Village we will follow up as a zoning violation, but it is a condominium association provision.

Larry Zarletti:

So it's per unit, 80 percent per unit, or 80 percent the entire complex?

Jean Werbie:

The entire complex, 80 percent needs to be owner occupied for the definition that we've prepared.

Larry Zarletti:

Thank you.

Thomas Terwall:

So in that first year if there's only 7 units 80 percent of those 7 units would have to be owner occupied?

Jean Werbie:

No. If they choose that they would like to have their first 6 units as rental then that would be the total number that would be allowed for the entire development. Then the rest of the entire development would need to be owner occupied. So the flexibility that we provided to them because of the market conditions is that they can choose whether or not they want the percentage of rental to be at the beginning or at the end or someplace in between.

Thomas Terwall:

Anything else?

Donald Hackbarth:

Move approval.

Wayne Koessl:

Second.

Thomas Terwall:

THERE'S A MOTION BY DON HACKBARTH AND A SECOND BY WAYNE KOESSL THEN TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM, FINAL CONDOMINIUM PLAT AND A DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

ALTHOUGH CONTINUED OPPOSITION ISN'T WARRANTED I CAN'T SUPPORT IT BUT I'LL ABSTAIN.

Thomas Terwall:

Then Item B we need a motion to approve the zoning map and zoning text amendment.

Mike Serpe:

So moved.

Larry Zarletti:

Second.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY LARRY ZARLETTI TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AND ZONING TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed?

John Braig:

ABSTAIN.

Thomas Terwall:

Let the record show. Items C and D together.

- C. PUBLIC HEARING AND CONSIDERATION OF A FINAL CONDOMINIUM PLAT** for the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC, owner of the property generally located north of 90th Street at 62nd Avenue within the Creekside Crossing Development for approval of the Final Condominium Plat for the 2nd Addendum to the Creekside Crossing Condominium Plat which will include 7-2 unit condominium buildings.

- D. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND ZONING TEXT AMENDMENT** for the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC, owner of the property generally located north of 90th Street at 62nd Avenue within the Creekside Crossing Development for approval of a Zoning Map Amendment to rezone the area to be developed with the 7-2-unit condominium buildings from R-8 (UHO) Two-Family Residential District with an Urban Landholding Overlay to R-8 (PUD) Two Family Residential District with a Planned Unit Development and a Zoning Text Amendment to create the specific PUD requirements for the 2nd Addendum to the Creekside Crossing Condominium Development.

Jean Werbie:

I'm sorry, Mr. Chairman, did you read both Items C and D?

Thomas Terwall:

Yes, I did.

Jean Werbie:

Okay. The first is Item C, Consideration of the final condominium plat at the request of Kari Kittermaster for Regency Hills-Creekside Crossing LLC, owner of the property. This is the Creekside Crossing development that's north of 90th Street at approximately 62nd Avenue. The request this evening is for the final condominium plat for the 2nd addendum to the Creekside Crossing Condominium plat. This will include seven 2-unit condominium buildings.

The second part of the request or the second item on the agenda for them is the consideration of the zoning map and zoning text amendment for the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC. And this is for a zoning map amendment to rezone the area to be developed for the seven 2-unit condominium buildings from the R-8 (UHO) to the R-8 (PUD). This is a Two Family Residential District with a Planned Unit Development Overlay. Again, these items are related, will be discussed at one time by the Village staff but separate actions will be required this evening.

The Village Board approved the original Preliminary Condominium Plat on October 20, 2003 by Resolution #03-41, and since all stages of the development have not yet final platting within the two years, the Village Board approved another Preliminary Condominium Plat on August 20, 2007 by Resolution #07-51.

This Final Condominium Plat includes seven 2-unit condominium buildings to be located north of 90th Street at 62nd Avenue within the Creekside Crossing Development. The remaining 158 condominium units will likely be developed in stages based upon the market conditions and the demand for the units.

To date the following projects within the development have received final plat approval and are under construction:

- Creekside Crossing Subdivision (Stage 1-SF): 15 single-family lots
- Creekside Crossing Addition #1 (Stage 2-SF): 9 single family lots
- Creekside Crossing Condominiums (Stage 1-Condo): 116 condominium units

The development is in compliance with the Village's Comprehensive Plan, the Whittier Creek Neighborhood Plan, the Conceptual Plan and the Preliminary Plat which was reapproved and the Preliminary Condominium Plats that were all approved by the Village as noted in the staff comments.

The estimated population projections for the entire Creekside Crossing Development would 312 dwelling units, or 852 persons with 196 school age children or 131 public school age children. The estimated population projects for the 2nd addendum this evening would be 14 dwelling units, 38 persons or 9 school age children or 6 public school age children.

Open space within the development approximately 28 acres or 23 percent of the entire development at full build out is proposed to remain in open space. This open space as I mentioned in previous public meetings is that it will include parkland, it will include wetlands, floodplain and shoreland areas. In addition, there are several retention facilities to handle storm water management requirements. The developer's engineer has evaluated this site. We as a staff have reviewed and approved the storm water management for this site as well.

Site access, as noted on the slide there are two access points onto 93rd Street and one to Old Green Bay Road through 91st Street that have been constructed by the developer. The 91st Street connection will be constructed. Stage 1 single family, stage 1 condo will be developed with the two access points to 93rd Street. A third access to the site will be from Old Green Bay Road, and this, too, will be constructed by the developer. In addition, this development provides for additional access connections as vacant land around this development moves forward including 89th Street to the northwest and east, 90th Street to the east and 91st Street to the west.

The developer was granted two variances by the Village Board on April 16, 2007. The first was a variance from Section 395-60 C and this had to do with allowing a dead ended street that terminates in a cul-de-sac which is greater than 800 feet, and a second variance from Section 395-

32 J of the Land Division ordinance regarding the deferral of the installation of required public improvements for just a portion of Creekside Circle, as well as the extension of 91st Street improvements to Old Green Bay Road. The Creekside Crossing Addition #1 development along with the condominium development improved all of the public improvements that you see out there today.

The developers in 2008 intend to submit the request for the final approval to complete the mass grading and the floodplain boundary adjustment for the remainder of the development to construct the bridge over Jerome Creek on the north side of the Creekside Circle and complete the required public improvements in both Creekside Circle and 91st Street. The total number of the remaining condominium units. The total number of the remaining condominium units to be constructed with these improvements will be determined, again, on a market condition basis by the developer.

With respect to the PUD amendment, the condominium portion of the development is being developed as a PUD. The PUD has been approved for the Creekside Crossing for the previous stages of this development, and this is an extension to allow these additional units to be built on this site with basically the same conditions as set forth previously.

With respect to the fiscal review for this site, in addition to the impact fees due at the time of building permit, the developer agreed to a cost sharing agreement to donate the \$891 per housing unit as a cost sharing contribution for each of the residential units within the development to address the shortfalls in funding and fees collected for police, fire, EMS and public works as part of the impact fee collection.

With respect to building and zoning permits, all first phase public improvements must be completed, inspected, sanitary sewer and storm sewer televised and accepted, water sampled with safe samples and approved by the Village including the as-built grading plans prior to the issuance of permits for this next phase or this second addendum to Creekside. With that, this is a matter for public hearing. Again, this is for both the final condominium plat and related documents as well as the zoning map and text amendment.

Thomas Terwall:

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

Mike Serpe:

When the formula was created to give the estimate for school age children in a development, I don't know that Pleasant Prairie was approving very many condominium plats, and I see that with tonight's approval that we're estimating that 196 school age children are going to come out of this development, and I don't think that's going to come anywhere near that amount. But people are going to look at this and say now we're putting another 196 kids in the school system and that's not the case. And, Tom, I'll ask you again how many units in Prairie Village and how many kids come out of that unit for school age children?

Thomas Terwall:

There's two kids out of 60 and some units.

Mike Serpe:

60 and some units and two school age children.

Thomas Terwall:

It's a bunch of old people living there.

Mike Serpe:

And, Nancy, I'll ask you the question if you would. Presently with Creekside estimation how many children do you have coming out of the units?

Nancy Washburn:

I wish I had an exact answer for you. I do know that in the condominium sales that we have been experiencing, and again I don't talk to and see every sales stat, but I don't know that we have any kids in the condos. In the single family we have as part of this there are a total of 15 and now 24 single family lots which will produce some children and have, but I don't know of any children in the condos. They're either single people or empty nesters to my knowledge.

Mike Serpe:

All I'm saying is by approving these and sending out a signal that we're going to flood our school system with kids it's just not the case, and we're sending out what I feel is a wrong signal. I don't know if it's worth looking at a formula that would take into consideration condominium developments with a more accurate account of what we're putting into the Unified District as opposed to using single family development as the formula. Even though these are residential units they're not the typical residential units that raise a family.

Thomas Terwall:

And given the number of condo plats that we're being approached on I would recommend that we do a study and come up with a separate number.

Mike Serpe:

Okay.

Thomas Terwall:

Can you do that, Jean, or can we do that with the staff?

Jean Werbie:

I definitely will, but there's two reasons for at least initially presenting this number, and one is this is still an average. And, again, our single family developments probably generate more than .42 children per unit. They probably generate at least two or three per household. So what we would have to do is go back each individual development, and Pat will definitely do this specifically when it comes to the need for looking at overcrowding at schools and such and so that we don't overcrowd another school in another area. But, again, we're still looking at this as an average Village-wide. It is true, though, that the condominium developments especially in Pleasant Prairie do not generate many children at all. I'll bring that to his attention, but, again, we're still looking at this as an average.

Mike Serpe:

Right. Jean, we're approving a lot of developments many of which are condominium units. And some of the criticism that we hear from the people is that you're overcrowding our schools with the approval of all these developments. And all I'm saying is if there's a better formula that we can look at I would highly recommend we do that.

Donald Hackbarth:

I was thinking of the same thing when you were talking about this, Mike. My comment is on the same issue. Is there a way to actually count heads and find out in these developments how many children were generated to see how it compares to this formula?

Jean Werbie:

Actually Unified can do it with public school age children but I'm not sure if they get an accounting for the private school age children. We'd have to do some additional research with the private schools in the area.

Donald Hackbarth:

Because it would definitely be a valuable tool or insight to see how off this formula really is because, like Mike said, we may be raising a red flag when it's really not that big an issue.

John Braig:

The national census is going to be coming up in two short years. Would that be a time to get some quality data?

Jean Werbie:

We will definitely update it by 2011 when we get the information back from census. But what we can do is we can as Pat to take a look specifically at Pleasant Prairie and see how we've been tracking along, because he's been tracking these numbers with us for almost five years. So he could actually track. We know exactly how many public school age children live in Pleasant

Prairie. We know that number today, one number, and he knows it by school. So we can specifically look at it and see where we are with it.

Mike Serpe:

It's not going to affect my vote on this project. I mean I'm going to vote in favor of it, but like I said I think we have to send a more accurate message to the public than what we're doing.

Thomas Terwall:

And if we're understating single family we want to know that, too.

Mike Serpe:

We have to correct that as well.

Thomas Terwall:

But I agree there ought to be separate numbers, one for condominiums and one for single family.

Donald Hackbarth:

One other comment. Under fiscal review I'm a little confused on this. When we say \$891 per housing unit as a cost sharing contribution for each of the residential units within the--explain that to me again? Are we saying a condo with 7 units is assessed \$891 or is it each resident within that--

Jean Werbie:

Each unit, per unit.

Donald Hackbarth:

So if there are 7 in that--

Mike Serpe:

Seven times \$891. I'd move approval of the final condominium plat.

Wayne Koessl:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE FINAL CONDOMINIUM PLAT SUBJECT TO THE TERMS AND

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

Voices:

Aye.

Thomas Terwall:

Opposed? I need a motion now to approve the zoning map and zoning text amendment.

Wayne Koessl:

So moved, Chairman.

Jim Bandura:

Second.

Thomas Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AND ZONING TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? Jean, before we move onto the next item, again, I don't know what page it is, but all first phase public improvements shall be completed and inspected, sanitary sewer, water, water samples and so on before any building permits can be issued. Is that true also in this developer's subdivision on 93rd Street?

Jean Werbie:

Yes, every subdivision in the Village.

Thomas Terwall:

So all of those approvals are in already?

Jean Werbie:

That's correct for Devonshire.

Thomas Terwall:

Yeah.

Jean Werbie:

Yes. And we've issued several permits out there already.

Thomas Terwall:

I know that but I see the pipes laying above the ground yet. I was wondering how they got them connected.

Jean Werbie:

I think that might be for the next stage. Those are extra pipes.

(Inaudible)

Thomas Terwall:

They're laying in piles. I thought maybe you were pulling the wool over my eyes. Thank you.

E. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY CONDOMINIUM PLAT at the request of Mike Dilworth, agent for Paramount Ventures, LLC owners of the property generally located on the north side of 80th Street east of 60th Avenue to convert the Courtyard Junction Apartments to Condominiums.

Jean Werbie:

Mr. Chairman, this is also a public hearing. This is for a preliminary condominium plat approval at the request of Mike Dilworth, agent for Paramount Ventures, LLC owners of the property generally located on the north side of 80th Street east of 60th Avenue. This is a conversion to convert the Courtyard Junction Apartments to condominiums.

The petitioner is requesting approval of the Preliminary Plat for this conversion. The Courtyard Junction Apartments and associated infrastructure were installed in 1996 pursuant to a development agreement approved by the Village and entered into between the Village and Paramount Ventures, LLC. Courtyard Junction consists of seven 12-unit buildings and two 6-unit buildings for a total of 96 units on 11.02 acres of property. The development has a net density of 8.71 units per net acre. All units have individual entrances and two bedrooms and a one car attached garage. The buildings range in size from 1,135 square feet to 1,193 square feet.

The sewer that is installed throughout the development will remain private; however a sanitary sewer metering-monitoring manhole will be required. The water system will also remain a private within the Kenosha Water Utility District. The storm sewer facilities within the development will also remain as private utilities. These facilities will be owned and maintained by the Courtyard Junction Unit Owners Association, Inc.

The development, as I indicated with 96 units and they have 96 indoor parking spaces. There are 94 outdoor parking spaces. Pursuant to the Village zoning ordinance, two bedroom units require two spaces for each dwelling unit, and 75 percent of the spaces shall be within an enclosed garage structure plus one space for every eight units for guest parking. The location of the parking spaces and garage location is always subject to Plan Commission approval but they are all pre-existing. Therefore, the 192 spaces are required of which 144 should be enclosed and 12 guest parking spaces are required pursuant to our ordinance. Back in 1996 we did not have that requirement, so we are requesting as part of the PUD that the parking that they have on site today be incorporated as a zoning requirement for their PUD.

On May 19, 1997 the property was rezoned from R-11, Multiple Family Residential and R-8, Two Family Residential to R-11 (PUD). Today, we are actually modifying and clarifying the PUD including the information that they have provided to us with respect to the specifics on the square unit, the total square footage of the units and the garages and the setbacks, and all of this information now has been included as part of their PUD.

The Village staff does recommend approval. We think this is a great idea because it's a little bit smaller sized condominium unit and it will give another opportunity for owner occupied ownership in Pleasant Prairie in this area of the Village. This is a matter for public hearing and the petitioner is in the audience if you have any questions.

Thomas Terwall:

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

John Braig:

Jean, I assume all the present tenants of these structures have received notification of this plan.

Jean Werbie:

That's my understanding, but Mike Dilworth is in the audience and maybe Mike could come up and address the letters that have been sent to the tenants.

John Braig:

Wouldn't the Village send it as a matter of--

Jean Werbie:

No. It's a private matter.

Mike Dilworth:

Mike Dilworth, Enercon Companies based out of Oak Creek. It's a State law that 90 days prior to conversion you have to send letters out to tenants, and then we combine a letter that says you can purchase it and we show them what their rent is and the difference in making a principal and interest payment in lieu of paying us rent.

Mike Serpe:

Don't go away, Mike. On your Lexington Village has the transformation taken place totally yet or are there still apartments for rent?

Mike Dilworth:

We've got 95 sold and I think we've got 90 closed already out of 120.

Mike Serpe:

That's good. That's been what, two years?

Mike Dilworth:

About a year and a half.

Mike Serpe:

A year and a half, that's very good. I'm one that believes in owner occupied and it's a plus for the Village, for the people that live there. I think it's a good idea.

John Braig:

Can you give us an idea of the purchases that were made how many of them were made by the existing tenants rather than someone coming into the structure?

Mike Dilworth:

We have about 15 percent of existing tenants purchase their units so far. But as it goes on when we give notice that when are you moving out they tend to start buying more because they want to actually stay there. It's not forcing them but end up like in the project they end up staying anyways.

Mike Serpe:

Mike, can I ask what is the approximate price of these going to be?

Mike Dilworth:

These are being priced between \$99,000 and \$124,900.

Mike Serpe:

Really?

Wayne Koessl:

Mr. Chairman, through the Chair to Jean, Jean on 80th Street and Cooper Road what is the plan for that traffic signal there in 80th Street going west to 60th Avenue?

Jean Werbie:

I would have to defer to the Village Board members but I believe it's in the capital budget for 2008 or 2009.

Mike Serpe:

Next year.

Jean Werbie:

2008.

Mike Serpe:

80th Street is going to go through to 60th and Cooper and 80th will be signalized.

Jean Werbie:

First Village signal.

Wayne Koessl:

Thank you.

Thomas Terwall:

Don?

Donald Hackbarth:

How does one go about reselling if they purchase their unit and they decide, well, we're going to move on? How do they go about reselling their unit?

Mike Dilworth:

Hopefully they'll call us.

Donald Hackbarth:

(Inaudible)

Mike Dilworth:

Yes, they can.

Thomas Terwall:

Are there any requirements for 80 percent owner occupancy?

Jean Werbie:

Yes, we do. I don't think that that was a problem in Lexington. In fact, they're closer to 90 percent owner occupied and they haven't sold the rest of the units yet.

Thomas Terwall:

What's your pleasure?

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 PRELIMINARY CONDOMINIUM 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.

Mike Dilworth:

Thank you.

F. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY CONDOMINIUM PLAT for the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for The Landing at Bain Station LLC, owners of the property generally located at the northeast corner of Bain Station Road and 85th Avenue for a proposed development which includes 108 condominium units (4-8 unit buildings, 10-4 unit buildings and 6-6 unit buildings) to be known as The Landing at Bain Station Crossing Condominiums.

Jean Werbie:

Mr. Chairman, this is a public hearing for a consideration of a preliminary condominium plat at the request of Mark Eberle from Nielsen, Madsen & Barber, and this is for The Landing at Bain Station LLC who is the owner. This is for a condominium plat at the northeast corner of Bain Station Road and 85th Avenue. The development proposes to include 108 condominium units which is four 8-unit buildings, ten 4-unit buildings and six 6-unit buildings. Again, this project would be known as The Landing at Bain Station Crossing Condominiums.

The petitioner is requesting approval of a preliminary condominium plat tonight. Under the Comprehensive Plan compliance, in accordance with the Village Comprehensive Plan this project is located within the Prairie Ridge Neighborhood. It's identified as being within an Upper Medium Density Residential land use category with lots having just under 12,000 square feet to 6,200 square feet per dwelling unit. This allows for some areas of the neighborhood to have larger lots while certain other areas have smaller lots. And this happens to be one of the more dense areas of that particular neighborhood. On December 11, 2006, the Plan Commission held a public meeting and approved the revised Neighborhood Plan for the Prairie Ridge Neighborhood for this development.

On December 18, 2006, the Village Board conditionally approved the Conceptual Plan for the proposed mixed residential development, and this included single family lots in the portion known as The Settlement at Bain Station Crossing, Condominium units in The Landing at Bain Station Crossing Condominium area, and Senior Condominiums to be known as The Summit at Bain Station Crossing Senior Condominiums.

On April 2, 2006, the Village Board conditionally approved the Preliminary Subdivision Plat, and on July 16, 2007, the Village Board approved the Final Subdivision Plat for the Bain Station Crossing Subdivision. The Final Subdivision Plat created 43 single family lots, three outlots and two lots to be further developed as condominiums.

The Landing at Bain Station Crossing Condominium complies with the approved Neighborhood Plan, Conceptual Plan and other documents on file with the Village. Again, many of the public improvements were completed as part of the single family portion of this development. For example, 85th Avenue which is the main entrance north/south into this development was completed as part of the single family portion of this project.

So under residential development, approximately 26.25 acres generally located east of 85th Avenue and north of Bain Station Road is proposed to be developed into 108 condominium units to be known as The Landing at Bain Station Crossing Condominium. This development provides for a net density of 4.89 units per net acre. The four 8-unit buildings will have basements and sizes that range from 654 to 761 square feet. The units themselves will range in size from 1,445 to 2,074 square feet. All of the units will have two bedrooms and two car attached garages.

The ten 4-unit buildings will have basements that range in size from 1,480 to 1,175 square feet. Two of the units within each building are ranch style homes with two bedrooms that are 1,560 square feet. The two inner units of these buildings are two stories with three bedrooms. These units are 2,075 square feet. Each unit has an attached garage that ranges in size, again, from 490 to 780 square feet. In your packets I think we did include the floor plans as well as the elevations of some of these units.

The six 6-unit buildings will have basements that range in size from 1,200 to 1,460 square feet. Two of the units within each building are ranch style homes with two bedrooms and are 1,460 square feet. The four inner units of these buildings are two stories with three bedrooms. These units are 2,075 square feet. Each unit has an attached garage that ranges in size from 510 to 760 square feet.

Pursuant to the Village Zoning Ordinance two bedroom units require two spaces for each dwelling unit, and three bedroom units require 2.5 spaces for each dwelling unit. In addition 75 percent of the parking spaces shall be indoors plus one space for every eight units for guest parking is required.

There are 64 2-bedroom units which require 128 parking spaces and there are 44 3-bedroom units which require 110 parking spaces for a total of 238 parking spaces. 179 spaces are required to indoors. In addition, 14 guest parking spaces are required. The development includes 238 indoor parking spaces, 27 outdoor parking spaces for a total of 265. So their requirements exceed the ordinance with respect to the number of spaces.

For population projections for The Landing at Bain Station, 08 proposed dwelling condominium units, 295 persons, and again this raises the issue as to whether or not we're actually going to have this number of children, but if we use the calculations provided by Unified, 60 total school age children or 45 public school age children could likely come from this development if that percentage were held true.

Open space within the development, approximately 19 percent or 4.17 acres of this site is proposed to remain as open space, and this includes wetlands and floodplains on the site. This does not include the open space and the retention facilities which provides additional open space for this project.

The wetland on this site, the wetland area, was field delineated by Alice Thompson & Associates on April 13, 2005 and approved by the Wisconsin DNR on May 10, 2005. The floodplain on this site was delineated and is shown, it's actually located in the southeast corner of the project area. Other open space includes to retention basins that are located within the site to serve this particular development.

Private roadway improvements, the developer is proposing to construct three private roadways that will connect to 85th Avenue. As you can see on the slide they're 83rd Street, 83rd Place and 84th Street. 85th Avenue, again is a public street connecting north/south. The private roadways will be constructed to the Village's public roadway specifications. They'll be located within dedicated easements that are provided to the Village. Granular backfill was used for the sanitary sewer trenches and it's proposed to be used for the water and storm sewer trenches as well which will allow a compaction in the time frame in order to complete the first and second phase of construction within the first construction cycle. Since spoil backfill was used in the sanitary sewer trenches, I think was that just on 83rd Street, just on 83rd Street where they used the granular, but in 83rd Place and in 84th Place they did not so we will have some problems or issues with respect to an expedited paving schedule because they used the excavated materials in the trenches. So I don't know if we need to discuss some things further with them on those particular areas. I know that most of the condominium developments do require that we do have some paved streets before occupancy is granted.

—:

What is spoil backfill?

Jean Werbie:

It's the material that they excavate out when they dig the trenches for the infrastructure. Municipal water will be extended within the private roadways to service all units within the condominium development. Municipal sanitary sewer is currently being installed within the private roadways. Again, that's part of the original Bain Station development. Storm sewer and retention facilities are going to be constructed. Private storm sewer will be constructed within the private roadways and discharged to the two basins on the east side of the development.

Site access, there will be no direct access to the condominium units from Bain Station Road. They will receive their access from one of the private roads leading from 85th Avenue. Construction access for the installation of improvements and condominium construction will be from Bain Station Road to 85th Avenue. No construction vehicular access will be allowed from 82nd Street or 85th Avenue through the Hidden Oak Apartment Development. Again, remember, 85th Avenue does connect north into the Hidden Oak Development and we're not going to want to bring construction traffic through that project.

Under zoning map and text amendments, the field delineated wetlands on the property are currently zoned C-1, Lowland Resource Conservancy District; the portion of the property that is located within the 100-year floodplain is zoned FPO, Floodplain Overlay District; and the remainder of the property is zoned R-10 (UHO). The UHO is proposed to remain on the property until such time as the Planned Unit Development details have been prepared and the staff can draft an ordinance to be brought back before the Plan Commission and the Board.

In general the PUD will allow for more than one building per property provided that the multi-unit buildings are condominiums with at least 80 percent of the units being owner occupied, a percentage of the exterior materials are natural stone or brick, and the building types provide a common theme without being monotonous, that the garage doors are largely side entry, allows for some private streets with public utilities and the units have full basements. And, as you can see,

we've actually been working with the developer a long time with respect to providing a unit which we thought, several units which we thought would work well in Pleasant Prairie especially with the ranch style. We don't have too much of that in Pleasant Prairie at this time.

Under the fiscal review for this project, in addition to the impact fees due at the time of the building permit, the developer has agreed to a cost sharing agreement to donate \$891 per condominium unit as a cost sharing contribution for each of the units within the development to address the current shortfall in funding and fees collected for police, fire, EMS and public works. And this is in addition to the impact fees that will be due and payable upon issuance of the building permit.

This is a matter for public hearing. There is a representative in the audience and I'd like to continue the public hearing.

Thomas Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none I'm going to open up to comments. Mike?

Mike Serpe:

When this development is totally built out, is there a section in here that's identified as a senior housing?

Jean Werbie:

Actually it's the next phase of the condominium development and that would be known as The Summit, and that is actually on the west side of 85th Avenue.

Mike Serpe:

This isn't the one?

Jean Werbie:

No, that will be the next stage for them.

Mike Serpe:

Okay.

John Braig:

Minor detail, but on the addendum regarding outside or open burning, the last line of that addendum the word "no" should be "not", typo.

Thomas Terwall:

Just a question, Jean. This \$891 per residential unit seems to be pretty successful so far. Are we aware of any other communities that are doing this?

Jean Werbie:

I can tell you that there are other communities that have much higher impact fees than the Village of Pleasant Prairie.

Thomas Terwall:

This was to circumvent the State Legislature's infinite wisdom in telling municipalities how to run their business, was it not? Isn't that how this came about?

Jean Werbie:

This was to address some of the shortfalls that we felt that needed to be dealt with in order to pay for some of the services.

Thomas Terwall:

But they're not calling this an impact fee. That would definitely be--

Jean Werbie:

It's a developer contribution.

Thomas Terwall:

Okay, thank you. Mike?

Mike Serpe:

On that same line are we reviewing this every year?

Jean Werbie:

We are.

Mike Serpe:

The \$891?

Jean Werbie:

We are, and we are in the process of working with the IT department and we'll be getting back together with them. We've been a little preoccupied on some other things this past month, so we will be getting back together with them in January to review things.

Mike Serpe:

Just so every knows, to remind you that if this wasn't a part of this approval process there's no way that this Village could afford to approve it and then provide the services that would have to go with it. We just couldn't do it.

Thomas Terwall:

Nor would this Plan Commission be sending a favorable recommendation to the Village Board.

Mike Serpe:

That's right.

Jean Werbie:

I just wanted to mention that one of the things that's not in the staff comments that I'm sure that Mike Dilworth would have brought it up to me is that there's a cost sharing contribution for the widening and improvement to Bain Station. And it was based on the number of units by phase and we'll need to make sure that that gets integrated to this development as part of the preliminary plat conditions.

Thomas Terwall:

Thank you. If there's nothing further--Larry?

Larry Zarletti:

With regards to the school age children, would it be inappropriate to ask during the occupancy permit if the people that bought the place have any school age children living with them?

Jean Werbie:

Yes, it would be inappropriate.

Larry Zarletti:

Like it's not legal to ask that question of them?

Jean Werbie:

That's correct.

Larry Zarletti:

Okay, thanks.

Jim Bandura:

Move for approval.

Thomas Terwall:

Is there a second?

Mike Serpe:

I'll second that.

Thomas Terwall:

A MOTION BY JIM BANDURA AND A SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE PRELIMINARY CONDOMINIUM 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. Yes, John?

John Braig:

A followup on Larry's suggestion, though. While we may not ask a perspective owner how many school age children there are, we could suggest that he volunteer that information.

G. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AND MAP AMENDMENT for the request of Robert Larsen, agent for LNR Enterprises of Pleasant Prairie, LLC, owner of the property located at 7800 128th Street to subdivide the property into two lots and create a Planned Unit Development (PUD) Ordinance that is specific to these two properties. The field delineated wetlands on Lot 1 are proposed to be rezoned into the C-1, Lowland Resource Conservancy District, the non-wetland areas on Lot 1 will remain in the A-3, Agricultural-Related Manufacturing Warehouse and Marketing District. The existing C-1 and A-3 zoning district designations on Lot 2 will remain, the Floodplain Overlay (FPO) and shoreland designations on Lots 1 and 2 will remain and both properties will also be located within a PUD overlay zoning designation. In addition, a Zoning Text

Amendment is proposed to create the specific PUD requirements for the two parcels.

- H. Consider the request of Robert Larsen, agent for LNR Enterprises of Pleasant Prairie, LLC, owner of the property located at 7800 128th Street for approval of a Certified Survey Map to subdivide the property into two (2) parcels.**

Jean Werbie:

The two items that we'll be taking up and separate action will be required, the first is the consideration of a zoning text and map amendment, and this is at the request of Robert Larsen, agent for LNR Enterprises of Pleasant Prairie, LLC, owner of the property located at 7800 128th Street to subdivide the property into two lots and create a Planned Unit Development Ordinance that is specific to these two properties. The field delineated wetlands on Lot 1 are proposed to be rezoned into the C-1, Lowland Resource Conservancy District; the non-wetland areas on Lot 1 will remain in the A-3, Agricultural-Related Manufacturing Warehouse and Marketing District. The C-1 and the A-3 zoning district designations on Lot 2 will remain; the Floodplain and shoreland designations on Lots 1 and 2 will remain, and both properties will also be located within a PUD overlay designation. In addition, a Zoning Text Amendment is proposed to create the specific PUD requirements for the parcels.

Then the second part of this request it's not a public hearing but it's related, and that is to consider the request of Robert Larsen for approval of a certified survey map to subdivide the property on the two parcels.

Lot 1 is proposed to be 5 acres with 291.91 feet of frontage on 128th Street. Lot 2 is proposed to be 25.9 acres with 90.02 feet of frontage on 128th Street. A shared driveway will be provided through Lot 1 to service Lot 2. In addition, a utility easement is being dedicated through Lot 1 to provided sanitary sewer to service the new homes on Lots 1 and 2.

The Land Division and Development Control Ordinance requires that homes have basement gravity sanitary sewer service; however, due to the depth of the sewer within 128th Street and the location of the potential Lots 1 and 2 where the homes can be built, and due to the environmental limitations on the property, the petitioner will be requesting a variance to install grinder pumps on Lots 1 and 2. The Village Board will be holding a public hearing to consider the request on December 17, 2007.

The wetlands on Lot 1 were field delineated by Wetland and Waterways, LLC, on May 2, 2007 and approved the Wisconsin DNR on June 26, 2007. The 100 year floodplain on Lot 1 was identified on February 4, 2003 by Bleck Engineering Consultants, Inc. pursuant to the SEWRPC Planning Report No. 44, A Comprehensive Plan for the Des Plaines River Watershed. The ordinary high water mark was field identified by Karen Van Atta and Gabriel Powers of the DNR on August 14, 2003.

The wetlands, 100 year floodplain and the ordinary high water mark have not been field delineated on Lot 2 of the proposed CSM. Therefore as stated on the CSM Lot 2 is going to be considered unbuildable until detailed wetland, ordinary high water mark delineation and floodplain boundary mapping is approved by the Village Board and the restriction then can be

removed from the certified survey map by the owner after preparing an affidavit of correction and it's approval by the Plan Commission and the Board.

The PUD Ordinance is attached as part of your Plan Commission packets. It does generally allow for Lot 1 to have a minimum frontage of 290 feet on 128th Street and Lot 2 with a minimum of 90 feet of frontage. It also sets forth minimum design standards for single family homes including a minimum house size of 2,500 square feet. The PUD sets forth specific building setbacks due to the environmental limitations on the properties and limits the number and the size of outbuildings on each of the properties to three provided that the total area of the three buildings does not exceed 30,000 square feet.

This is a matter for public hearing as this is part of a zoning text and map amendment this evening.

Thomas Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none I'm going to open it up to comments and questions from Commissioners and staff. Anybody wishing to speak? What's your pleasure?

Wayne Koessl:

I'd move approval, Mr. Chairman, on Item G.

Thomas Terwall:

Is there a second?

Jim Bandura:

Second.

Thomas Terwall:

MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AND MAP AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. Item H?

Mike Serpe:

Move approval of the certified survey map.

Jim Bandura:

Second.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JIM BANDRUA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

I. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENTS to create Section 420-119 D 2 (cc) to permit a Veterinarian Emergency Services Office as a Conditional Use in the B-2 District; to amend Section 420-119 K (1) to allow for Veterinarian Emergency Services with an approved conditional use permit to be open 24 hrs; to create Section 420-148 B (120.1) to provide specific conditions for a Veterinarian Emergency Services Office in the B-2 District; and to create a definition in Section 420-152 for Veterinarian Office and for Veterinarian Emergency Services.

Jean Werbie:

Mr. Chairman, this is a public hearing to consider several zoning text amendments to create Section 420-119 D 2 (cc) to permit a Veterinarian Emergency Services Office as a Conditional Use in the B-2 District; to amend Section 420-119 K (1) to allow for Veterinarian Emergency Services with an approved conditional use permit to be open 24 hrs; to create Section 420-148 B (120.1) to provide specific conditions for a Veterinarian Emergency Services Office in the B-2 District; and to create a definition in Section 420-152 for Veterinarian Office and for Veterinarian Emergency Services.

The B-2, Community Business District of the Village Zoning Ordinance allows for veterinarian offices if a Conditional Use Permit is approved by the Plan Commission. Since there currently is not a definition for veterinarian offices in the Village Zoning Ordinance, a definition is considered similar in our minds to clinics and offices that may provide emergency services when their facilities are generally not open. In addition, the Village Zoning Ordinance currently does not allow for office hours for veterinarian emergency services.

On November 12, 2007, the Village Plan Commission adopted Resolution #07-29 to evaluate resolutions related to veterinarian offices and emergency veterinarian services in the B-2 District. The Ordinance amendments include creating the following definitions in Section 420-152. First, veterinarian office, an office or clinic that provides examinations, diagnosis and treatment, including surgical care for animals. A veterinarian office excludes facilities for boarding animals or facilities for the cremating of animals. Definition for veterinarian emergency services offices, an office or clinic that provides examinations, diagnosis and treatment including surgical care for animals available 24 hours per day. A Veterinarian Emergency Service Office excludes facilities for boarding animals or facilities for the cremating of animals.

The Ordinance amendments propose to allow a Veterinarian Emergency Service Office with approval of a Conditional Use in the B-2 District, therefore Section 420-119 D 2 (cc) is proposed to be created. Section 450-119 K (1) is proposed to be amended to allow a Veterinarian Emergency Service Office to be open 24 hours a day with the approval of a valid Conditional Use Permit. In addition, Section 420-148 B (120.1) related to specific standards for a Conditional Use Permit for a Veterinary Emergency Service Office is proposed to be created to allow the Village to require additional security requirements for such use. This is a matter for public hearing.

Thomas Terwall:

Is there anybody wishing to speak on this matter?

Mike Serpe:

Michael Vick wants to say something.

Thomas Terwall:

Michael Vick wants to speak? Is there anybody who wanted to speak on this matter? Hearing none, I'll open it up to comments.

Donald Hackbarth:

Are we going to limit this to some size of an animal? If some guys hauls an elephant in there, you know?

Jean Werbie:

Just by the very nature of the veterinarian offices each of them takes and can provide service to certain types of animals because we asked the question from everything from birds to large circus animals. It's really up to each individual clinic, and typically they will not be able to service those types of animals.

Donald Hackbarth:

But how do we guarantee that?

Jean Werbie:

You know what, it's difficult to have domestic animals of that size in this Village because it's not permitted per ordinance. I suppose if there was a circus in town—

Donald Hackbarth:

I just saw an article about reindeer.

Jean Werbie:

That's true. I would have to speak with the individual veterinarian and maybe that question could be raised at such time that a request is made.

Mike Serpe:

Do we have emergency veterinarian service anywhere in Kenosha County 24 hours?

—:

Yes.

Mike Serpe:

We do?

(Inaudible)

Mike Serpe:

The reason I ask that is my neighbor, ironically as we're talking about this tonight, her dog needed some emergency care and she called the vet and was instructed to take it to Milwaukee. That's why I asked if we had something here.

Tom Terwall:

If there's no further questions what's your pleasure?

John Braig:

Move approval.

Larry Zarletti:

Second.

Thomas Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY LARRY ZARLETTI TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENTS AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

J. PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AMENDMENT to Sections 420-123 B and 420-124 D of the Village Zoning Ordinance to allow plastic materials synthetic resins, synthetic rubber, and synthetic and other man-made fibers and products as permitted uses in the M-1 and M-2 Districts.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a public hearing for several zoning text amendments to Section 420-123 B and 420-124 D of the Village Zoning Ordinance, actually two amendments, which is to allow plastic materials synthetic resins, synthetic rubber, and synthetic and other man-made fibers and products as permitted uses in the M-1 and M-2 Zoning Districts.

On November 19, 2007, the Village Board approved Resolution #07-79 to initiate a zoning text amendment for the Village staff to re-evaluate the provisions related to plastic materials and synthetic resins, synthetic rubber and synthetic and other man-made fibers and products and to examine if such uses may be considered permitted uses in the M-1 and M-2 Zoning Districts.

Currently the storage or manufacturing of plastic materials and synthetic resins, synthetic rubber and synthetic and other man-made fibers and products are allowed but only with a Conditional Use Permit in the M-2 District. The Village has approved several such Conditional Use Permits over the years including but not limited to Pepsi America, PPC Industries, Rehrig Pacific, CPI Plastics, Parker Plastics, IRIS USA, and SonoPress formerly known as Deluxe Video. All of these uses have their buildings protected by an early suppression fast response known as an ESFR system, a fire protection systems as required by NFPA regulations and the Wisconsin Enrolled Commercial Building Code. These fire protection requirements as set forth in the NFPA regulations provides for the proper protection for the health, safety and welfare of the citizens.

It's important to note that when our original zoning ordinance was written for the manufacturing districts it was written in 1983, and there have been a lot of innovations and changes in the code since 1983 that help to protect the community for any type of incident that may occur, especially with respect to fires. And so it's the staff's recommendation that these types of uses be allowed

in both the M-1 and the M-2 District. And the past requirement that we've had for requiring conditional use permits is no longer necessary. If there are any conditions they will be set forth in the site and operational plan provisions as you routinely approve other types of projects in the Village. This is a public hearing.

Thomas Terwall:

Is there anybody wishing to speak on this matter? Is he trying to speak? Sorry, Rocco, I didn't know if you were trying to speak.

(Inaudible)

Thomas Terwall:

Anybody wishing to speak? Hearing none, I'll open it up to comments and questions. John, you had a comment?

John Braig:

Has the Fire Chief had input on this?

Jean Werbie:

Yes, he has.

John Braig:

Good enough.

Mike Serpe:

Are we to concern ourselves with any fumes or any exhaust problems involved in the synthetic fibers that are going to be used by these companies?

Jean Werbie:

Again, back then we did not have the air quality permits and all the other permits that we have nuisance provisions and requirements that are all now in our current codes. So, again, none of those protections were present back in 1983 which they are today.

Mike Serpe:

Okay. Move approval.

John Braig:

Second.

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 ZONING TEXT AMENDMENT AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

K. PUBLIC HEARING AND CONSIDERATION OF A MUNICIPAL ORDINANCE AMENDMENT to Section 420-27 A and B of the Village Zoning Ordinance related to zoning application fees and to consider an amendment to Section 395-87 A and B of the Village Land Division and Development Control Ordinance related to application and development review fees.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a consideration of a municipal ordinance amendment to Section 420-27, Sections A and B of the Village Zoning Ordinance, and it relates to zoning application fees and to consider an amendment to Section 395-87 A and B of the Village's Land Division and Development Control Ordinance, and this relates to application and development-related review fees.

On November 12, 2007, the Village Plan Commission approved Resolution #07-28 to initiate a zoning text amendment to complete its annual evaluation of the zoning fees. The Department proposes to increase the initial application fees for Planning and Zoning applications for proposed development. Therefore amendments to Section 420-27 A and B related to zoning application fees and Section 395-87 A and B of the Land Division Ordinance related to application and development review fees are proposed to be amended.

Currently an initial application fee of \$150 is charged for the following Zoning Applications as listed in the staff comments. They include Stipulated Shoreland, Zoning Map/Zoning Text, Planned Unit Developments, Zoning Variance Applications Temporary Use Applications, Conditional Use Permits, Floodplain Boundary Adjustments, Floodplain Map Correction Applications and for the following Planning Applications including Comprehensive Plan Amendment, Neighborhood Sketch Plan and related amendments, Certified Survey Maps, Lot Line Adjustments, Land Division Variances, as well as Street, Walkway or Park Vacation. We are proposing that this fee be increased to \$200 per application.

The second is currently an initial application fee of \$700 is charged for the Zoning Applications, Site and Operational Plan Applications that require Plan Commission review; Joint applications for Site and Operational Plan and Conditional Use Applications, Planned Unit Development

Overlay Text and Map Amendments, Planned Development Text and Map Amendments; Site and Operational Plan Appeal, Motion to Reconsider a Site and Operational Plan Appeal, Appeals Application or Motion to Reconsider a Zoning Variance or Appeal and for the following Planning Applications, Conceptual Plan, Preliminary Plat, Preliminary Condominium Plat, Final Plat, Final Condominium Plat, Assessors Plat and Development Agreement not associated with a Plat or CSM. We are proposing that this fee be increased from \$700 to \$800 per application. This is a matter for public hearing so the staff would like to proceed.

Thomas Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this issue? Anybody wishing to speak? Anybody wishing to speak? Hearing none, Jean, are these in line with the surrounding municipalities?

Jean Werbie:

Well, I didn't do a side-by-side comparison. Ours are similar other than what we do as a municipality due to the amount of staff that I have is we also track time. So we bill a development based on an initial application fee for all the meetings that we hold with them up until they file an application, and then we track the time that we spend working specifically and only on their project. I would say that they are comparable to other municipalities. We did, based on Commissioner Koessler's request, get copies of a number of other adjacent and nearby communities. It would take a considerable effort to sit down and go down it line-by-line to see what they were, but in looking at them comparatively they look very similar to what other communities are charging.

Mike Serpe:

Jean, these increases were taken into consideration during the budget process, is that correct?

Jean Werbie:

They were. That's correct.

Donald Hackbarth:

A quick question. Is this an issue that we have to approve every year or every time this comes up. Does this have to come to the Plan Commission? Is that something you could do as the staff?

Jean Werbie:

No, because it's part of the zoning ordinance, any modification of the zoning ordinance does require a public hearing.

Thomas Terwall:

What's your pleasure?

Donald Hackbarth:

So moved.

Jim Bandura:

Second.

Thomas Terwall:

MOVED BY DON HACKBARTH AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE MUNICIPAL ORDINANCE AMENDMENT AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

L. Consider Plan Commission Resolution #07-31 to initiate a zoning text amendment related to hotels within the B-2 and B-3 Districts.

Jean Werbie:

Mr. Chairman and members of the Commission, this is Resolution 07-31. It's to initiate a zoning text amendment. The Plan Commission may initiate a petition for an amendment of the zoning ordinance which may include rezoning of property, change in zoning district boundaries or changes in the text of the ordinance. The Village Zoning Ordinance provisions related to hotel in the B-2 and B-3 Districts are proposed to be re-evaluated by the Village staff and we would like the opportunity to sit down and review these regulations and bring them back to the Plan Commission at a subsequent time.

The Plan Commission by adopting of this resolution would initiate and petition to amend Sections 420-119 and 420-120 of the Village Zoning Ordinance related to hotels in the B-2 and B-3 Districts. In addition, as a result of the changes we will look at other sections of the zoning ordinance that might be applicable. The proposed changes in the text are hereby being referred to the Village staff for further study and recommendations. The Plan Commission is not by this resolution making any determination regarding the merits of the proposed changes but is rather only initiating the process by which the staff can review and prepare recommendations to have them brought back to the Village Plan Commission for consideration. Staff recommends approval as presented.

Wayne Koessl:

So moved, Mr. Chairman.

Jim Bandura:

Second.

Thomas Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO
ADOPT RESOLUTION 07-31. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

7. ADJOURN.

Thomas Terwall:

Motion to adjourn is in order.

John Braig:

So moved.

Jim Bandura:

Second.

Donald Hackbarth:

Are we meeting next week?

Jean Werbie:

I'm not sure yet.

Mike Serpe:

The 19th don't we?

Jean Werbie:

We're working on it.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

We stand adjourned.