

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
June 17, 2013**

A special meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on June 17, 2013. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode (Alternate #2); Jim Bandura; John Braig; and Judy Juliana (Alternate #1). Larry Zarletti was excused. Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie-Harris, Community Development Director; Tom Shircel, Assistant Village Administrator; and Peggy Herrick, Assistant Zoning Administrator.

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

Tom Terwall:

If you're here for an item that appears on the agenda as a matter for public hearing, we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as a part of the official record. However, if you're here for an item that is not a public hearing or if you want to raise an issue that's not on the agenda now would be your opportunity to do so. We would ask you to step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments?

- 5. NEW BUSINESS.**
 - A. PUBLIC HEARING AND CONSIDERATION APPROVAL OF PLAN COMMISSION RESOLUTION #13-07 FOR THE FOLLOWING COMPREHENSIVE PLAN AMENDMENTS: 1) to amend Chapter 1 (page 9) to include the land that was annexed into the Village by Land Transfer Ordinance #2 adopted by the Village Board on January 21, 2013 (Tax Parcel Numbers 91-4-121-254-0401 and 91-4-121-254-0406) in the Planning Area description and to amend Map 1.2 to show the area being annexed into Pleasant Prairie within the Corporate boundaries of Pleasant Prairie; 2) to amend Chapter 9 (page 407 and 408) to include a new manufacturing land use designation entitled: "Production Manufacturing" and a general description of the new designation; and 3) to amend the 2035 Land Use Plan Map 9.9 as follows: a) The following properties generally located west of Green Bay Road and north of Springbrook Road and further identified as Tax Parcel Numbers 92-4-122-273-0156 owned by Citizens Bank of Mukwonago, 92-4-122-342-0100 owned by Rabin and Lynn LLC, 92-4-122-342-0300 owned by VPX Farm LLC and 92-4-122-331-0150 owned by Rabin and Lynn LLC that are**

currently located within a General Industrial land use designation with an Urban Reserve land use designation to the Production Manufacturing land use designation. All other land use designations on the properties will remain unchanged; b) The following properties generally located east of IH-94 between 110th Street and 122nd Street and further identified as Tax Parcel Numbers 92-4-122-303-0101, 92-4-122-304-0200, 92-4-122-311-0200, 92-4-122-312-0305 and 92-4-122-312-0310 owned by James G Hart and Delaine Farm Partners, 92-4-122-303-0300 owned by Ries Partners LP, 92-4-122-312-0100 owned by Otto H. Sprenger Trust Revocable Trust and 92-4-122-312-0150 owned by Kathleen Johnson that are currently located within Freeway-Oriented Regional Retail Centers land use designation with an Urban Reserve land use designation to the Production Manufacturing land use designation. All other land use designations on the properties will remain unchanged; and c) The following properties generally located west of IH-94 at approximately 11300 block of 120th Avenue (West Frontage Road) and further identified as Tax Parcel Numbers 91-4-121-254-0122, 91-4-121-254-0401 and 91-4-121-254-0406 and owned by Pleasant Prairie Community Development Authority, 91-4-121-254-0301 owned by Ries Partners LP that are currently located within Freeway-Oriented Regional Retail Centers land use designation to the Production Manufacturing land use designation. All other land use designations on the properties will remain unchanged; and 4) to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan to reflect the above noted changes to the 2035 Land Use Plan Map 9.9.

Jean Werbie-Harris:

Mr. Chairman, I'd ask that Items A, B and C be considered by the Plan Commission at the same time.

Tom Terwall:

With three votes.

Jean Werbie-Harris:

Three different actions.

Tom Terwall:

Is there a motion?

Wayne Koessl:

So moved.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDRUA TO COMBINE ITEMS A, B AND C FOR PRESENTATION PURPOSES ONLY BUT THEY HAVE THREE SEPARATE VOTES. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- B. PUBLIC HEARING AND CONSIDERATION THE FOLLOWING A ZONING TEXT AMENDMENTS: 1) to create Section 420-125.1 of the Village Zoning Ordinance entitled M-5 Production Manufacturing District and 2) to amend Section 420-100 A (1) to include the M-5, Production Manufacturing District in the list of basic zoning districts established in the Village.**

- C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENTS: to rezone the following properties into the new M-5 Production Manufacturing District 1) portions of the following properties generally located west of Green Bay Road and north of Springbrook Road that are currently zoned M-2 (AGO), General Manufacturing District with a General Agricultural Overland District: Tax Parcel Numbers 92-4-122-273-0156 owned by Citizens Bank of Mukwonago, 92-4-122-342-0100 owned by Rabin and Lynn LLC, 92-4-122-342-0300 owned by VPX Farm LLC and 92-4-122-331-0150 owned by Rabin and Lynn LLC.; 2) portions of the following properties generally located east of IH-94 between 110th Street and 122nd Street that are currently zoned A-2, General Agricultural District and further identified as Tax Parcel Numbers 92-4-122-303-0101, 92-4-122-304-0200, 92-4-122-311-0200, 92-4-122-312-0305 and 92-4-122-312-0310 owned by James G Hart and Delaine Farm Partners, 92-4-122-303-0300 owned by Ries Partners LP, 92-4-122-312-0100 owned by Otto H. Sprenger Trust Revocable Trust and 92-4-122-312-0150 owned by Kathleen Johnson; and 3) portions of the following properties generally located west of IH-94 at approximately 11300 block of 120th Avenue (West Frontage Road) that are currently zoned B-3, Regional Retail District or A-2, General Agricultural District and further identified as Tax Parcel Numbers 91-4-121-254-0122, 91-4-121-254-0401 91-4-121-254-0406 and owned by Pleasant Prairie Community Development Authority and 91-4-121-254-0301 owned by Ries Partners LP. Any portion of the properties that are zoned C-1, Lowland Resource Conservancy District, C-2, Upland Resource Conservancy District, or FPO, Floodplain Overland District will remain unchanged.**

Jean Werbie-Harris:

Mr. Chairman, what I'd like to say is we are holding three public hearings this evening, and they are for the consideration of the Plan Commission Resolution 13-07, and this is for the

comprehensive plan amendments for these properties we're going to be discussing. The second is for the zoning text amendments, and then the following is for the zoning map amendments.

Specifically, it's in reference to various parcels that have been identified as part of the part of the public hearing notice, and they include the lands that are on the west side of the Interstate and identified as Tax Parcel Numbers 91-4-121-254-0401 and 91-4-121-254-0406. And this is west of the Interstate. The second area is that area that is west of State Trunk Highway 31, and these Tax Parcel Numbers are 92-4-122-273-0156 owned by Citizens Bank of Mukwonago. And then the next set of parcels is those owned by Rabin and Lynn LLC identified as 92-4-122-342-0300 owned by VPX Farm LLC and 92-4-122-331-0150 owned by Rabin and Lynn LLC. These are properties that are currently in the general industrial land use designation with an urban reserve land use designation. All of these properties that I'm referring to this evening are all going to be proposed to go into the Production Manufacturing District.

And with respect to all of the properties in question all of the environmental designations that may be on any of these properties, the C-1 areas or the shoreland jurisdictional boundary areas or the floodplain areas those are all remaining intact as well. We are not adjusting any of those.

And then the next area is the area that's located east of I-94 between 110th Street and 122nd Street, and this is identified as Tax Parcel Numbers 92-4-122-303-0101, 92-4-122-304-0200 and 92-4-122-311-0200, 92-4-122-312-0305 and 92-4-122-312-0310. And these are owned by James G. Hart and Delaine Farm Partners; and 92-4-122-303-033 owned by the Ries Partners LP; and 92-4-122-312-0100 owned by Otto H. Sprenger Trust Revocable Trust; and 92-4-122-312-0150 owned by Kathleen Johnson. And those properties that I just referenced are currently in the freeway oriented regional retail land use designation and that related zoning district.

And then the last of the properties as I mentioned initially are at the 11300 block of 120th Avenue, and these are identified as 91-4-121-254-0122, 91-4-121-254-0401 and 91-4-121-254-0406, and these are owned by the Pleasant Prairie Community Development Authority. And, finally, 91-4-121-254-0301, and this property is owned by the Ries Partners LP. Again, this particular area is also identified as the freeway oriented regional retail centers. And, again, all of these referenced properties are proposed to go into the M-5 District.

Mr. Chairman and members of the Plan Commission, on March 11, 2013, the Plan Commission adopted Plan Commission Resolution 13-04 to initiate amendments to the Village's 2035 Comprehensive Plan, the Village zoning ordinance and the Village zoning maps. And these were related to creating a new M-5, Production Manufacturing Zoning District, that would allow for specific manufacturing, production and office uses located on properties located adjacent to the LakeView Corporate Park. The new M-5 Zoning District reflects an enhancement of the Village's public policy of sound and diversified economic development. While there have been and still are sufficient economic opportunities for the construction of warehouses and distribution facilities in the existing Corporate Parks, it is important to conserve land resources and economic infrastructure support in order to assist in providing more employment in the Village. The new district would serve to promote and encourage production, manufacturing and office-related employment as the primary uses with warehousing and distribution to be more ancillary or secondary uses within this particular district. The M-5 District would be used to encourage and promote more intensive land uses which would in turn would promote greater employment

opportunities in proximity to I-94 and Highway 31 in the Village. The Village's goal would be to increase the number of jobs per acre, which is good for the community.

The next thing I'd like to do is just to generally go over the zoning text amendments with you. One of the other things I want to bring to your attention is that we initially had developed the M-5 District, but over the last several weeks we've had numerous conversations with various property owners in the Village that would be impacted by these changes. And a number of those specific owners as well as representatives of those properties had contacted us and recommended some modifications and changes. And we sat down with them and we discussed these matters as a staff. And so the version that you have with just a few other minor changes that I'm going to tell you about tonight is really a compilation of a sit down of our discussion with a number of these corporate developers.

Again, the Production Manufacturing District is intended to provide for manufacturing, assembly, office, and research and development uses with limited warehouse and distribution uses within the Village. The key is that these new areas that are being identified for the M-5 District will be also areas that we would like to see developed as attractive corporate park-like settings with landscaping and consistent signage and other type of similar and compatible building materials. We have in the ordinance enhanced some of this very specific site and operational plan conditions with respect to the aesthetics. So it kind of enhances and provides a little bit higher standards in some of those respects as well. The M-5 District is really not intended to be more of a heavy manufacturing district where there are very intensive manufacturing uses that would be a great deal of the hazardous types of products. It would be more of the limited or light manufacturing types of uses that we're looking at in these particular areas.

The way the district is set up is very similar to the other districts in that we've identified the purpose and the characteristics, and then we've gone through and identified the permitted uses as referencing the State code books and such. But as we get into the permitted and auxiliary permitted uses, again, we have provided some opportunity for some auxiliary permitted uses within the same building.

As you will recall when we put the ordinances together for a PPD 2 west of the Interstate, we had identified that this is also a district that could be for office-related uses. And so we wanted to make sure that if there were large office buildings that would go into this district that they could for their own particular users of the building that they could have retail-related facilities in the lower levels of these buildings. And that specifically is addressed in this particular district as well as part of an auxiliary permitted use within that particular district.

There's also service-related uses that would also be allowed, again, intended to service that particular building. Also the third auxiliary use would be the warehouse or distribution use. Again, not the primary use of the facility. In fact, we wrote some very specific criteria in that the warehouse and distribution auxiliary uses would be allowed in the M-5 District, and they'd be classified as storage group uses, however these uses are intended to be secondary basically to the permitted manufacturing or research and development or office-related uses. They are intended to not occupy more than 30 percent of a particular building.

I'd like to give you an example. The particular manufacturing use that might be in a building if they have raw material storage or finished product storage specifically related to that

manufacturing process that is not included in the maximum 30 percent storage for warehousing. So what we're saying is that they can use their warehousing for the storage of not only their raw materials but their product going out.

The building facade area for the dock doors is limited to a total of 25 percent of the building exterior walls. And, finally, such other uses are subject to the requirements that are in the site and operational plan provisions of the ordinance except if they're specifically set forth as a restriction in this particular ordinance. We identified also in this district the specific uses that would not be permitted as an auxiliary use, would not be permitted as a conditional use or a permitted use in this particular district. And those are specifically listed on the bottom of page 3 and 4. Also we've listed specifically those conditional uses that would be permitted. Again, these are very similar to some of the other manufacturing districts.

One of the questions that had come up by some of the landowners was whether or not what would happen with respect to the nonconforming uses. There are some situations where the land is vacant, in most cases it's vacant and it's being farmed. So we specifically set forth a provision that the existing agricultural-related uses that are being provided for on the property are allowed to remain as a nonconforming use until one of two things happens, they change the use of the property by putting a new use there, or they cease that activity for more than 12 months. So if the property is being farmed and they cease farming for more than 12 months, they're going to lose that nonconforming use or that right on the property.

We identified specific dimensional standards for this particular district. Our lot sizes are two acres minimum. The lot frontages on public street 150 feet minimum unless they're on a substantial cul-de-sac or curve. We've identified that the open space requirement similar to the other manufacturing districts would be 25 percent. We identified the specific building standards with respect to height and setbacks. Again, there were some recent changes to the principle building height in the M-2 District, and we carried through those recent modifications that were made by the Village Plan Commission and the Board.

With respect to design standards, again, we carried many of these same provisions through with respect to the number of principle structures no limit, number of detached structures no limit. Fences are allowed, however chain link fences need to be vinyl coated, the color needs to be black or earth tone. So this is where we started to increase some of the architectural standards. Another specific element is that dock doors shall not face any public streets. You can have dock doors but they cannot face any public streets.

With respect to principle office building standards the gross floor area of a principle office building shall be a minimum of 24,000 square feet. And each of the first two floors above grade shall have a gross floor area of 10,000 square feet. Again, some of these requirements we picked up from the PDD 2 ordinance that we drafted on the west side of the Interstate.

There are some specific requirements with respect to facade. One of them has to do with glazing, and this is where we have just a minor modification to what you had been sent on Friday. But the key is that the Village staff felt that the ability for the traveling public and those that are coming to the Village to see these buildings along the Interstate or along the major State highways we wanted to increase the architectural appearance of the aesthetics. So we increased and actually

set forth some specific glazing requirements or window type treatment requirements on these buildings.

For example, number one, if it's a manufacturing facility primarily we were making the modifications that portions of the building used for manufacturing or directly related warehousing and/or distribution uses, again, as previously defined shall have a minimum glazed area calculated on the basis of the manufacturing or directly related warehousing or distribution of the building facade areas of 5 percent. We went through several exercises where we worked with some of the folks and laid out the building, an average size building, and where the windows would have to be placed. And based on a certain percentage of the building being office, the balance being manufacturing or warehouse related to that manufacturing, and then defining how many areas could be attributed to windows and what the process would be, after further discussion and thought we modified that to a 5 percent for the manufacturing area.

Again, there are a number of products being produced that are proprietary, and having tons of windows viewed into your manufacturing area might be a problem. Security could be an issue. So we wanted to make sure that any manufacturing building has some natural light and has a percentage of glazing but not too excessive that it would create a problem for the particular building user. The second is with respect to office building portions of the buildings that are used primarily for business office or research and development or primarily office buildings. They need to have a minimum glazed area calculated on the basis of the office/research development area of 25 percent.

With respect to parking garage, parking garages shall have entry and exit stairwells and lobbies that are visible from the exterior, but they shall have a minimum glazed area. That's only 25 percent for the parking garages. And then utility substations are the ones that have no glazing required at all.

With respect to the specifics on the glazed area, we give some details with respect to it can be tinted or clear glass but no mirrored glass. Then we talked about the different types of coatings and the different type of treatment systems adjacent along with the doorframes and other types of treatments. With respect to the non-glazed areas of the buildings we refer specifically to our site and operational plan provisions and the provisions that we've worked out from the beginning and what we've been following for the last many years.

What we also indicate in here is with respect to the architectural features for roofs, that they can be copper, zinc coated, aluminum panels or slate or architecturally painted metal panels. So, again, typically the roof structure for these types of buildings is not going to be a pitched roof. It's probably going to be a flat roof, but any type of architectural treatments or overhangs or some type of features are added they can be of that metal variety.

With respect to the operational plan standards it's the same as it is for other uses in the LakeView Corporate Park and Prairiewood. The same information, no onsite residential is allowed, and all other building site and structural performance standards have to be met. All the aesthetics of the buildings need to be met if they're not included in here as pursuant to the Village zoning ordinance.

That's an overview of the text amendments. And then there's a second text amendment. As Peggy is mentioning, in addition to this section we have to add it to the list of all of the different districts we have. There's a listing that starts that section, and so we're amending it to add the M-5 as a new district for that particular area.

This is one of the areas. The first areas I read all of the tax parcel numbers into the record, but this is more of a visual to show you the area that would be proposed to be rezoned. Again, it's the west side of Green Bay Road. Essentially it's south of Momper's Woods which is just south of 108th Street. It's north of Springbrook Road, and then it's east of the waterway and the shoreland area that's been defined. It's kind of north and south of 116th Street if, in fact, it was extended to the west.

The next area is that area that is just to the east of I-94. It's south of 116th Avenue. This is 116th Avenue, 110th Street, so south of 116th Avenue all the way down to 122nd Street. This is the East Frontage Road, so it's all of that area that is located on the east basically of the East Frontage Road. The third area is on the west side of I-94 and west of the West Frontage Road, and it's these parcels right here as well as those that have been recently acquired and put into the Village of Pleasant Prairie from the Town of Bristol. So these comprehensive plan amendments then would be to modify and to include specifically in addition these areas right here that go into the Village that were recently annexed by a transfer ordinance. Again, that was done in January.

One of the other things we have to do is we have to amend the comprehensive plan. And the comprehensive plan when it's amended will include the new manufacturing land use designation entitled production manufacturing. There is a general description as shown on the screen and in the information that you have that describes that district. Again, production manufacturing intended to provide for manufacturing, assembly, office, research and development uses with limited warehouse and distribution uses within an enclosed structure. And, again, it goes into the things I mentioned before with not being a high hazard area; it's an area that's being developed as a consolidated business park area with attractive landscaping and business park aesthetics. And this specific amendment to the comprehensive plan will then be reflected with the letter P like Paul or production on the land use plan map.

This is the first area that would be reflected. Again, this is just west of Green Bay Road, south of Momper's Woods and north of Springbrook Road. The next area -- let me go back just one minute. Again, that other area was in an industrial reserve area, and we are moving it into this P for production manufacturing. There's still a small area that will remain as G for general industrial. The area that is out by the Interstate was actually in a red or a commercial regional retail designation. That area which had the cross-hatching on it south of 110th by Premium Outlets that area all the way down to 122nd no longer will be reflective of red or that regional retail color. It will now be a production manufacturing, the light gray with the P designation. And then the last areas, again, that area west of the Interstate that now will be reflected again as the production manufacturing and commercial area as opposed to the commercial regional retail. And then finally we do need to reflect all the changes on the official 2035 Land Use Plan Map 9.9. So we will make all those changes as well.

So with that I'd like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Let me just first state for the record that Commissioner Braig is in attendance. Anybody wishing to speak on these three items please step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak? Yes, sir?

Charles Miller:

Good evening. My name is Charles Miller. I'm the Chief Executive Officer of the Citizens Bank of Mukwonago. And we own a 62 acre parcel at the north end of that Highway 31 block that's being rezoned M-5. My concern is that in talking with our realtor and other realtors in this area it's not the bank's intention to hold property as an investment. Our bank's intention is to get it sold as a development piece. And our concern is that this may hamper that effort because it's such a small area that's being designated M-5 on this eastern part of this property line, only three parcels have identified. And for people we've talked with it's going to restrict I don't want to say unfairly but it's going to restrict us and provide us with a harder time to try to develop that property. We could have done most of the things that M-5 provides us under the current zoning, but now it's just restricted us from multiple things that we could have put into that property if that's where the developer came from.

I find it odd in that if the idea is to try to zone the property for more jobs and for different things why such a small portion would make that much difference along Highway 31. I can't speak so much for the property over by I-94, but even over there if you look at the mass of property that's zoned within this community it's such a small portion I'm not sure exactly what the benefit really is. But the main concern is that, and it's been told to us multiple times, that we've been told that it's called down zoning. I don't know if that's a bad word. I've never heard the word before, but it basically puts us at a disadvantage for the properties that are trying to develop in the area. And we don't think that's necessarily fair. Thank you so much.

Tom Terwall:

Thank you. Anybody else?

Michael Ries:

Hi, I'm Michael Ries.

Tom Terwall:

Need your address, sir.

Michael Ries:

Michael Ries.

Tom Terwall:

And your address.

Michael Ries:

I live in Chicago.

Tom Terwall:

Okay, we need your address.

Michael Ries:

1000 North State Street.

Tom Terwall:

Thank you.

Michael Ries:

Okay. And we've owned this property for over 65 years. I haven't, I'm not that old, but my father has and the family has. And I'm talking mainly about parcel 0300 on the east side of the road. And I understand it's great that Pleasant Prairie is advancing and making all these leaps forward. But when I look around in terms of manufacturing and building and I've seen what's gone on, a number of issues. I did put my land up for sale when they built the new frontage road and took away two and a half acres. And the only inquiries I got were for retail use, no manufacturing. I understand that we want to develop the area for more jobs, more people will move in. But when I look at what's going on already there's plenty of manufacturing, there's plenty of business office buildings that are still vacant. When I drove down here from the I, I mean you look at both sides of 165 and there's vacancies all over.

So what I'd like to do is petition that this one parcel of ours which we've owned for 65 years be grandfathered in to remain retail. And the other issue is it's right on the I, it's the first thing people see when they come into the area into Wisconsin. Do you really want to see a manufacturing structure? And it is going to bring in a great tax basis if you do leave it as retail. I think you can see that from the Outlet Mall right next to us.

Tom Terwall:

Thank you. Anybody else?

Jerry Franke:

Hi, Jerry Franke, WisPark, 301 West Wisconsin Avenue, Suite 400, Milwaukee, Wisconsin. First of all I'm not opposed generally to the M-5, and all of my comments have to do with the interstate corridor, not with the Green Bay Road area. My first concern is I'm really concerned that this going to open the door for distribution centers in that corridor. I think staff has done a great job of trying to avoid that. But I've seen enough marketing pieces out there specifically showing distribution centers that somebody's going to see that and come in and want to put a

distribution center there. And I don't think that's the highest and best use of that. That's a very minor and general or macro concern.

My major concern is that I was pretty surprised that nobody came in and talked to us about this project going forward south of the land we own in the vicinity of the southeast east of the Prime Outlets, north of the Prime Outlets, things like that. That is one goofed up transportation mess over there. And now we're talking about opening up additional area for high traffic generators. I can remember when we went through the Badger rezoning we had to redo the comprehensive plan showing streets and everything like that. I don't see any of that here, and I'm very concerned about what the impact is going to have on the land with the transportation network not being presented for the area south of there. I think we all agree that where the water tower is there, where the traffic comes to 165 doesn't work well because of all the traffic generated at the Premium Outlets. So I would like to see that addressed as part of the true comprehensive plan amendment, not just be part of the land use plan.

And, finally, we've had to sit on our land with 80 some acres of land primarily at the east side of the interchange at 165 and 94. It's very strictly limited to office and other kinds of uses which we have not been able to attract to this location for the 20 some years we've owned it. I think that a master plan for the entire area would have more appropriate than simply picking out M-5 for parts of it. So I would like to see a more truly comprehensive planning effort for this area round the Interstate. We would have liked to have had the parcel we had, I don't know, it's not on any of the maps that Jean has, designated for this same use because we, in fact, talked to the Plan Commission staff a couple of years ago when we had a hybrid user, and they were supportive of that time. When this came about we weren't contacted, and we've had meetings this year. And the first I heard about this was when we got the zoning notice back in early May or whatever it was. Again, just my concerns about a lack of overall planning for the area, particularly the southeast corner of that intersection. Thank you.

Tom Terwall:

Thank you. Yes, sir?

Nicholas Infusino:

Thank you. Attorney Nicholas Infusino, 1108 56th Street, Kenosha, Wisconsin. I represent VPX Farms. They have one of the parcels off of Highway 31. We share the concern the Citizens Bank has that we are now limiting the potential scope of users. We're in an economy that is difficult enough to bring jobs to the area. I don't know if now is the right time to be now limiting certain pieces of land which may bring in a warehouse type use and not permit it. A distribution warehouse is usually a regional facility, so if they like this piece of land versus a piece of land in northern Illinois or Racine we may have the effect of actually driving jobs out of the area into other communities, and I would not want to see that happen.

At a minimum it should at least be a warehouse should be a conditional use, and then it could come back to the Commission and the Commission would have the authority to then determine whether that use is consistent with what you are looking for. I think it's wrong to completely limit that use in this area and on such a limited scope. My client has owned the land for 65 years. He had intentions of alternately using it for a development. He doesn't want to see the zoning

change in such an effect now that it's limiting it's potential scope of the users. So, again, at a minimum we believe that warehousing should be a conditional use. It would come back to you, but we should not be limiting uses of prime real estate in the community especially given the economy. Because, again, we could take the effect of actually driving jobs out of the community and not prospering, creating more jobs through more dense use. Thank you.

Tom Terwall:

Thank you. Anybody else? Anybody else? If not, I'm going to open it up to comments from Commissioners and staff. Don?

Don Hackbarth:

My question is kind of like Mr. Franke. Did we survey any of the existing uses out there to see what they felt about being next to an M-5? Because you know if you have a single family home and somebody proposes to put big multiple family right across the street from you, that might be a little bit upsetting. And I'm saying that with a lesser intense use which we have out there now, putting in a more intense use might be kind of upsetting to the existing tenants out there.

Mike Pollocoff:

In direct response to your question when we do rezone something next to residential they, in fact, have the same opportunity that we're giving tonight for people to come and comment on it. I think that as it relates to the property along the I-94 corridor and south of 116th Avenue where it terminates, I agree that the traffic patterns at the water tower are bad. We made those changes at the request of the developer and Prime Outlets and everybody else to make that curve in the Frontage Road work. And it was fine in the short run, but in the long run it isn't good, and that would have to be something that would be part of the infrastructure plan that would be implemented with the land use plan.

The Village from our standpoint committed significant infrastructure dollars to the TIF to make this area viable. And the improvements that were designed here and also on 31 and some of the areas were sized such that the area would grow and it wouldn't just stay stagnant with the existing development area, but as time went on we would be able to utilize the available capacity in those improvements for additional development at some point down the road. If you think back these improvements on 116th Street and Prime Outlets were put in in the early '90s. That capacity has sat for that period of time waiting for the market to take place and for that utilization.

So I think as we started looking at our limited TIF reserves that we have and able to use and what the greatest return on it is from a public policy standpoint, the land that has already been developed in LakeView Corporate Park, and that's our best benchmark for what happens with development, if you look at the businesses that are more labor intensive they've used up more land. On a per job basis or a per acre basis the amount of public resources through the TIF that have been required to provide services to those have been less. And it actually has had the effect of conserving land use resources for the Village versus the amount of land that's consume for warehouse uses and the return that comes back based on that.

Now, that's not to say that we shouldn't have warehouses. When LakeView Corporate Park was first laid out and planned there was significant warehouse capacity that was identified as part of that plan. But as time goes on and given the amount of resources that we have available do we direct those resources to improvements that are going to create more jobs or create more square footage of building? And when you look at how that rolls out I think from a public policy perspective it's better to have jobs than it is to have space. It's not to diminish the importance of the warehouses we have created, but given how much one of those facilities can use up as far as public infrastructure and the land that goes along with it it's significant.

The amount of land that we have available -- none of these parcels -- we could probably pick up, if we were to consolidate something, you might have four warehouses. And that might be all you could get. Or do we plan for the future development to have more M-5 zoning? I think M-5 is just recognizing if we're going to participate and work with developers to create manufacturing and support office and have that kind of development that gets us the biggest return for our dollar. And it's a difficult return to get.

Going forward assuming the budget's adopted tomorrow or the day after the Village levy is frozen. So we bring in more tax dollars the levy is still going to stay the same. It's going to be more difficult to retire that debt over time. We'll get the one time pop for the value of the building, but in reality what it does is it diminishes the amount of services we can provide to everybody else because our budget is not going to increase but our services and demand will increase. To the extent that the community would realize some job growth would be positive in other areas that we could reflect on. To the extent that we've had a warehouse go in that might be worth \$25 million, an important addition to the community, maybe not that many jobs with it, but I don't think it's the same return that we get on this.

From the staff's perspective we're not trying to limit development in any way, but given the amount of land that we have available outside of LakeView Corporate Park that could be developed my recommendation is if we're going to exercise the utilization of our resources through TIF financing, my recommendation is our best return is on a facility to create jobs and have some high value and not via a warehouse that has some additional space that has yet to be developed. We have plenty of that already in the community. And LakeView Corporate Park is going to develop as it develops, and they can still take advantage within the zoning districts of everything that is in this, and they already have a TIF set up. So I think that keeps going the way it's going. But if we're going to use other resources on these adjacent lands my recommendation is we wouldn't use TIF resources if it's not going to create substantial jobs or other multiplier economics that are going to take place.

The gentleman from the bank and Attorney Infusino I understand what they're saying is they want to be able to have warehouses there. But, again, if they develop that property minus any public participation and it ends up being a warehouse and it's something the community wants and we take that out of zoning, my recommendation is that there wouldn't be any public effort that would be associated with that. If it's something that's going to create jobs and add that value then maybe the community could look at putting some additional TIF resources into doing that. So especially with the [inaudible] parcel. I think that's the parcel where exactly we're trying from a policy standpoint we're recommending tot he Village than rather than having that just general industrial that we focus it in on manufacturing that's going to create jobs. On the parcel that the Bank of Mukwonago has bisected by a power line that could be millions to relocate, I

don't believe from the math I've done on it it wouldn't be worth it to spend resources to relocate a power line to put in a warehouse. There just isn't that much of a return on it.

With respect to the commercial properties, there is one property that in the one that Dr. Ries identified that really abuts the Frontage Road and south of Prime Outlets maybe that's one that we keep it as long as they're willing to hold that as a retail property. But it's been held for quite a while. It's just I think that the other properties somewhat away from the Interstate, not fronting on the Interstate, that could be in this use would be beneficial. We've seen a couple proposals from developers that have brought in proposed buildings that would employ a large number of people, have manufacturing as well as office resources or office uses, and they would be manufacturing. They would be ideal. It would be as nice as any building in the Corporate Park where you have that kind of use.

But just looking at what the Village and LakeView Corporate has accomplished where they've brought manufacturers in that's really brought us the highest return on our investment for the investment we've made in the TIF. And I would strongly urge, and maybe this should be an amendment to the plan, that tax increment financing not be used for any warehouse or distribution where that would be the primary use outside of the existing TIF district. I think we're spending our money in an area that's not going to get us the same return. The financial return on development now in the State is far different than it was two years ago. We have to be willing to extend out the life of these improvements because we're not going to see that gradual -- the growth isn't going to be paying for its way like it used to. That's just the way it is.

I think that's the long answer to one -- I was trying to catch all those points together. I think we've had a lot of good development and I think that continues. This doesn't stop it where we've already spent money and improvements have been made in the LakeView Corporate Park. I think it's a valid discussion to have especially when people are -- I've yet to have a developer not say, gee, I'd really like you to do a TIF for us and give us some money and help us get the sewer and the water and the streets and the roads and the storm sewers and the detention ponds and the lights and the grading. You put those improvements in and I'll sell the land and we'll come up with a building and we'll all make money. Well, there was a time when that was possible, but now those days don't exist anymore. It's not that we're making money, but it's harder for us to retire bonds in the current environment we're in. So I think we just need to be more judicious in where we exercise the zoning district and move forward that way.

Don Hackbarth:

Mike, let me rephrase my question. There's a piece of property you are looking at to change to M-5 fairly close to Uline southeast?

Mike Pollocoff:

Correct. That's the property owned by the Development Authority.

Don Hackbarth:

Did you solicit to see what Uline thought of that?

Mike Pollocoff:

Well, before it was manufacturing. So the only thing that's changed on this is that it's not going to be distribution. And in all our discussions with Uline is they work to keep their distribution away from the Interstate. They're more concerned about what the appearance is of warehousing along the Interstate. Just in some discussions with them they haven't been opposed to what we're proposing.

Don Hackbarth:

Okay.

Tom Terwall:

Jean?

Jean Werbie-Harris:

Also just as a point of clarification on this particular area, this area right here is not currently a high hazard area. They are a low hazard area right now. So you can't even with the M designation they cannot have high hazard uses there at that location. We made that decision a number of years ago when we modified the manufacturing districts when we wrote them. So it's not a use that they're losing because they have not had that for quite some time now.

The second thing is that I don't believe that the Wisconsin DOT with restricted access State highway would give direct access for any type of large users there. So whoever develops in this area is going to have to put in some public infrastructure in order to gain access. And so those are some of those additional costs that Mike was referring to that someone would have to put in. And, again, the more job intensive manufacturing or production or assembly type facilities that come into the Village those are much more positive incentives than larger buildings with fewer employees.

I didn't know if, Mike, you wanted to or Mike Spence wanted to talk a little bit about some of the transportation work that we've been doing lately. I mean I know that Jerry mentioned we haven't been doing a lot of planning, but we've been working pretty intensively on a lot of transportation planning, specifically that which is on 165, Corporate Drive, 120th Avenue, and maybe Mike or Mike want to explain a little bit of some of the things that we've been working on with respect to improving the transportation system which is obviously getting to be a little bit more of a problem out there.

Mike Spence:

As Jean indicates we have done quite a bit of work looking at the transportation plan in that area. Specifically the intersection that Mr. Franke mentioned we realize that that's been a problem intersection. And we are actually looking at trying to get some grant money from the State to actually rebuild that intersection. I don't now, Jean can you show where that is? Right in there.

We also currently have a consultant that's doing a traffic impact analysis for the overall LakeView Corporate Park area, both the east and the west sections. And we're looking at all of the intersections. They've done traffic counts recently, and we're looking at putting together a plan that would identify improvements not only in the Corporate Park where new development is occurring but also potentially on the west end by Corporate Drive and the Premium Outlets. We're looking at all those intersections as well for possible improvements.

We've also had meetings with the Wisconsin Department of Transportation which the State Highway 165 is a State road, of course, as well as the East Frontage Road. So we have initiated planning and discussions for improvements.

Tom Terwall:

Anything else you want to add, Mike?

Mike Pollocoff:

I think just in addition to that, one of the things we did discuss with Mr. Franke is relocating the Frontage Road so it would create a larger parcel for WisPark on that northeast quadrant. And it would be involved as part of getting that Frontage Road and 116th Street area cleaned up so we'd have a better traffic flow through the area. And I really believe some of the numbers that we're going to get from the traffic study is going to be the base that we're going to form what kind of improvements need to be made in this area.

It will help us as parts of the Corporate Park fill up with different types of users that may be more high demand traffic users than we have right now. Now we just kind of deal with them in a case-by-case basis, and it's really hard to ferret that information out, and nobody wants to pay for a traffic study when it's time to do it. So that's why we figure we'll just get it done for the entire park, and then we've got to establish some base information that we can work from. So that work is taking place. And I think it's definitely a more productive way to do it rather than on a case-by-case basis.

Tom Terwall:

Any questions, comments?

Michael Serpe:

Just one. Mike, you mentioned there's been inquiries. Are we getting a number of inquiries or are we putting this out there in hopes to get more inquiries?

Mike Pollocoff:

Recently we've had some more inquiries I think as the economy is picking up. But we have had more inquiries for warehouses, too, to use up some of this land. And that's where I think at least in my mind when we do the analysis on it what's the Village receive on its investment for that. We are seeing more people that are interested in some type of manufacturing with supportive office than we've seen in quite a while. I think the last time we saw this many people proposing

facilities that were labor intensive was probably in the early '90s. You think back to Fair Oaks Farms, the second one, label makers, some of the -- of course, Manutronics and Sanmina.

But we've been through a drought of those kind of uses primarily because of a number of factors. I think it's just the economy and what our utility charges are which we're trying to work on. Now that we've made the investments we've made I think we really just have to be more cautious and judicious about the future ones. And I think at least the people we've talked with that are looking at constructing these type uses have been fairly encouraging. I mean so it's a matter of coming up with something that's feasible, that delivers a good return, and it's something that someone can market and make an investment in and get the project off the ground successfully.

Michael Serpe:

If we move for approval on this what do you recommend on the Ries property that you've mentioned for commercial?

Mike Pollocoff:

Jean and I were just visiting whether or not we did a dual zoning on that for B-3 or M-5. That one kind of sits right on the line. If the comp. plan and the zonings are adopted tonight you'd have those production facilities surrounding that retail site. But on the other hand you'd have them surrounding the Prime site as well. And there is some environmental buffer there that wouldn't be put to waste.

Jim Bandura:

Mike, I wouldn't be opposed to looking at the Ries property to, like you say, B or M-5. Like Mr. Serpe said if we do vote on this would it be our recommendation to either pull that out or modify this to reflect the staff looking at his property?

Mike Pollocoff:

I think it would be a recommendation to modify it.

Jim Bandura:

Modify it? I'm not opposed to this because in my mind it's still manufacturing and it's still bringing in office and retail in with this, with this type of zoning. So I'm in favor of doing this, and I would recommend looking at the Ries property being on the Green Bay side over there. I mean if there's no further questions or concerns I would make a recommendation to approve this with the modification of the Ries properties.

Michael Serpe:

The Resolution 13-07.

Jim Bandura:

Correct.

Michael Serpe:

I'll second that.

Tom Terwall:

IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY MIKE SERPE TO ADOPT RESOLUTION 13-07 SUBJECT TO RECONSIDERATION OF THE RIES PROPERTY.

Jim Bandura:

Correct.

Tom Terwall:

Leaving that one out for right now.

Jean Werbie-Harris:

No, no, no.

Jim Bandura:

We could modify it.

Jean Werbie-Harris:

Are you recommending to split it or are you leaving it as the regional retail? I didn't understand what you were making the motion for.

Jim Bandura:

What I'd like to see is looking at the property, like Mike said, for B for business.

Jean Werbie-Harris:

That's what it is right now.

Jim Bandura:

It is right now?

Jean Werbie-Harris:

It is right now.

Jim Bandura:

And also manufacturing.

Jean Werbie-Harris:

But it would be one or the other. We could leave it as the red in the regional retail in the comprehensive plan with a footnote that the Village would support the M-5 at that location as well.

Jim Bandura:

Okay, yeah.

Jean Werbie-Harris:

I guess we're not opposed to that, but I mean I can't stripe the map gray and red. It's either going to need to be red or gray.

Jim Bandura:

Okay.

Jean Werbie-Harris:

So if we make it as part of the motion that you're willing to support M-5 as well at this location, and then as the market drives it we see which is the more appropriate use that would be okay.

Jim Bandura:

I agree. And if the Commissioners agree on that --

Tom Terwall:

Then that's the motion, correct?

Jim Bandura:

That's the motion.

Tom Terwall:

That's your second?

Michael Serpe:

Yes.

Tom Terwall:

SO THE MOTION BY JIM BANDURA AND SECOND BY MIKE SERPE THEN IS TO ADOPT RESOLUTION 13-07 WITH THE UNDERSTANDING THAT IN THE CASE OF THE RIES PROPERTY WE WOULD SUPPORT A B-3 DEVELOPMENT SHOULD THAT COME TO FRUITION, IS THAT CORRECT?

Jean Werbie-Harris:

It is B-3 right now, regional retail.

Tom Terwall:

But we're going to make it M-5.

Jim Bandura:

No.

Tom Terwall:

We're going to leave it B-3.

Michael Serpe:

We'll support an M-5 if there's a request for it.

Tom Terwall:

Alright, understood? All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed?

Don Hackbarth:

No.

Tom Terwall:

So ordered. On that same item we need to send a favorable recommendation to the Village Board with that same motion.

Jim Bandura:

For Item B?

Tom Terwall:

No, for Item A. Item A required a vote for us to approve but also to recommend approval by the Village Board.

John Braig:

So moved.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD FOR ITEM A. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

Don Hackbarth:

Aye.

Tom Terwall:

You're aye or no?

Don Hackbarth:

I vote no.

Tom Terwall:

You vote no?

Don Hackbarth:

No.

Tom Terwall:

Okay. Item B, public hearing in consideration of the zoning text amendments. We need a motion to recommend approval.

Michael Serpe:

So moved.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO RECOMMEND APPROVAL OF THE ZONING TEXT AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

Don Hackbarth:

No.

Tom Terwall:

Okay, motion carried. Item C, motion to send a favorable recommendation to the Village Board on the zoning map amendments.

Jean Werbie-Harris:

Except for the Ries property his is zoned agricultural right now, and he is remaining in the regional retail. So that property would be excluded from any rezoning. We will leave it the way

it is because we don't prezone commercial land. So that will just stay as agricultural at this time, but it will show up as the regional retail on the comprehensive plan.

Tom Terwall:

Okay. Motion?

Michael Serpe:

So moved.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO ADOPT THE ZONING MAP AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

Don Hackbarth:

No.

Tom Terwall:

Motion carried.

6. ADJOURN.

Michael Serpe:

Move to adjourn.

John Braig:

Second.

Tom Terwall:

Motion and a second to adjourn. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? Motion carried.