

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
June 24, 2013**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on June 24, 2013. Those in attendance were Michael Serpe; Jim Bandura; John Braig; and Larry Zarletti. Thomas Terwall; Donald Hackbarth; Wayne Koessl; Andrea Rode (Alternate #2); and Judy Juliana (Alternate #1) were 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. CONSIDER THE MINUTES OF THE MAY 13 AND MAY 28, 2013 PLAN COMMISSION MEETINGS.**

John Braig:

Move approval as presented.

Jim Bandura:

Second.

Michael Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY JIM BANDURA FOR APPROVAL OF MAY 13TH AND MAY 28TH MINUTES. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

- 4. CORRESPONDENCE.**
- 5. CITIZEN COMMENTS.**

Michael Serpe:

We have two items on the agenda tonight. One is a public hearing. If you wish to make a comment on the public hearing portion of the agenda we'd ask that you hold your comments until that item appears. If you wish to make a comment on anything else now is your time to approach the microphone. Give us your name and address. Anybody wishing to speak? Anybody wishing to speak? No speakers.

6. NEW BUSINESS.

- A. Consider the request of James Ablan agent for Center 50, LLC owner, for the approval of Site and Operational Plans including approval of the Digital Security Imaging System and Access Easement for the redevelopment of the Town N Country Shopping Center located south of STH 50 between 45th and 47th Avenues to be known as Center 50.**

Jean Werbie-Harris:

Mr. Chairman, I would ask that the next item, Item B, also be taken up at this time and discussion will take place at the same time for both items with separate action needed.

John Braig:

So moved.

Larry Zarletti:

Second.

Michael Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY LARRY ZARLETTI TO CONSIDER BOTH ITEMS AND VOTE ON THEM SEPARATE. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

- B. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND ZONING TEXT AMENDMENTS for the request of James Ablan agent for Center 50, LLC owner, for the proposed redevelopment of the Town N Country Shopping Center located south of STH 50 between 45th and 47th Avenues. Specifically, to rezone the property by adding a PUD, Planned Unit Development Overlay District on the property that is currently zoned B-2, Community Business District and a**

Zoning Text Amendment to create the specific PUD District zoning regulations for the proposed redevelopment of said property to be known now as Center 50.

Jean Werbie-Harris:

The second item on the agenda is also related to the same Center 50 development. It's a public hearing and consideration of a zoning map and zoning text amendments. And, again, also at the request of James Ablan, agent, for Center 50, LLC, owner, for the proposed redevelopment of the Town N Country Shopping Center located south of Highway 50 between 45th and 47th Avenues. Specifically, this request is to rezone the property by adding a PUD or a Planned Unit Development Overlay District on the property that is currently zoned B-2, Community Business District, and a zoning text amendment to create the specific PUD District with its zoning regulations for the proposed redevelopment of the property. Again, these items are related, will be discussed at the same time with separate action being required.

The existing multi-tenant strip mall located south of Highway 50 between 45th and 47th Avenues known Town N Country Shopping Center is proposed to be redeveloped and rebranded by the petitioner and to be known as Center 50. The redevelopment and rebranding will include not only a name change, but the petitioner is proposing to make building modifications, site plan improvements to the parking areas and drive aisles and sign modifications. As part of the redevelopment, a Planned Unit Development (PUD) is being proposed. The PUD allows the Village some flexibility with respect to the dimensional requirements for the project of the underlying B-2 District provided that there is community benefit.

The improvements made to the Town N Country facility are intended to provide a newer, cleaner look for the mall as it is rebranded to Center 50, and the petitioner hopes that with the planned renovations, the new Center 50 will provide a better overall shopping experience for the customers and to provide a more attractive business area for future tenants.

The current mall has three tenants which will be retained, Ace Hardware, Autozone and Erica's Jewelry. In addition, Family Dollar has submitted a lease agreement to the new owner with their intent to move into one of the vacant tenant spaces. The rest of the tenant spaces will be prepared for new tenants.

The petitioner proposes to update the entire parking configuration to maximize parking for new customers and provide newly landscaped parking islands to provide an increase in the landscaped green space on the current site.

With respect to site access, parking and landscaping, reconfiguring the parking lot by defining parking aisles with curbed landscaped islands, adding landscaped areas adjacent to 45th and 76th Street and 47th Avenue to the define entrances to the site, to remove the existing entrance to 75th Street and to provide landscaped area adjacent to Safeway Auto property at the northeast of the site.

The propane tank that is the Ace Hardware propane tank is proposed to be relocated to the southeastern end of the parking area. The relocation of the propane tank will require the approval of a new conditional use permit by the Plan Commission and a release of the previous conditional use grant document 04-11 that was recorded at the Register of Deed's office. The required

fencing will be required to match the black coated vinyl fencing, and black slates will be used for the garbage dumpsters, and the bollard will also be painted black. So one of the things that we're trying to do here is actually bring some unity to the entire development and to, again, give it a fresh, updated look to the entire Center.

The current tenant space occupied by Ace Hardware may become available to new tenants when their lease is up in approximately four years. Based on the lease expiration, the proposed site plan has been designed to convert the existing outdoor fenced area currently being utilized for outdoor garden sales and storage for Ace Hardware into 24 additional parking spaces for the use of customers at Center 50.

The Plans provides for 273 parking spaces which includes eight handicapped accessible parking spaces on the north and east side of the building. Again, 24 spaces are currently fenced in by the Ace garden center, and three parking spaces are where the propane tank is located. There will be an additional eight parking spaces provided at the southwest corner of the site. The minimum on-site parking requirements for retail spaces are one space for each 200 feet of primary floor area plus one space for every two employees.

In further discussion with the developer actually even this evening, we evaluated, re-evaluated the numbers that they had provided to us with respect to the leasable space area. And one of the things that I did not take into consideration when I did the initial review is that a certain percentage of the spaces outside of the primary floor area will be used for storage and restrooms and other types of square footage for the tenant spaces. So we are not going to be counting parking spaces for those particular areas. So the calculations that they have provided to us are adequate and will work for the new remodeled Center 50.

No parking for the employees or customer vehicles is allowed in the rear of the building with the exception of the eight parking spaces at the southeast corner. However, if additional parking is required it can be obtained from the area west of 47th Avenue. Again, we've talked about it very clearly now that he doesn't believe that additional parking is going to be needed. I guess what I'm prepared to say is that I'm not going to recommend that we tie up that land west of 47th Avenue, but there needs to be accommodations on this site for parking. No parking is going to be allowed on the adjacent right of ways. It's not going to be allowed in the back of the Center. So based on the square footage we shouldn't have any issues with respect to parking on this particular site.

Lots 9 and 10 of Midwest Highland Subdivision those are the areas that are just west of 47th Avenue. Peggy is going to show you it's just kind of off the site, but it's vacant land now. It looks like it was a parking lot used originally by Town N Country Shopping Center years and years ago. For the most part that area has been sitting vacant. The developer will be required to clean it up and make sure it's properly landscaped and signed if there is any signage over there. But I believe that it's his intention to market that land as future commercial use. Our Comprehensive 2035 Plan does identify it for potential future commercial. Again, whatever use is there needs to make sure that they provide adequate parking for whatever use does eventually go at that location.

Landscape islands are being provided at the end of each of the parking row basically and the Chase ATM will remain, and it's located within a landscaped island. The exterior area

surrounding the parking lot will be green space and landscaped. In addition there will be street trees along 47th and 45th Avenues where there will be some additional landscaping and street trees if that is the final plan for the landscaping along Highway 50 as well. In addition, there will need to be some landscaping at that very southwest corner of the site by 76th Street and 47th Avenue.

Street trees when they're planted will need to be planted every 50 feet in the right of way. We just need to make sure that we're not causing any problems for vision triangles and turning movements. They're also proposing a three foot high decorative fence with brick pillars along Highway 50. And we just needed to clarify I believe that that will be a metal fence, it won't be an aluminum fence, is that correct?

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Right.

Jean Werbie-Harris:

The green space adjacent to 47th Avenue and the building on the property will need to have some landscaping, again, at that corner. The new parking area at the southeast corner needs to be clearly defined by that green space. As you know, it's kind of a low area right now. There's some broken asphalt in that area, there's a storm sewer that looks like it's a little broken up. And so all of that is going to be corrected not only at that corner but along the whole back of the Center on the site.

Pursuant to the landscape plan this area is proposed to be turf, low level plants with one street tree shall be planted in the green space adjacent to 47th Avenue. Again, vision triangles because this site is bounded by public streets on all four sides we just have to make sure that there is adequate vision at the various corners.

The green space adjacent to 45th Avenue and the parking area at the southeast corner is proposed to be located within the right-of-way of 76th Street and 45th Avenues. Pursuant to the plan there are only a few trees proposed. We are recommending that those are street trees along that whole right of way as well no different than other developments within the Village. Currently on the site there is limited green space. Again, this is a very tight site. The Center dates back to the late 1950s, so it's a rather tight site so we're trying to incorporate as much green space as possible wherever we can. The plan as proposed would provide 14,700 square feet or 13.9 percent of the 4.7 acre site with green space areas and with an additional 3,347 square feet of green space off site within the right of way adjacent to Highway 50 and 45th and 47th Avenues and 76th Street.

The new light standards will be installed within the landscaped islands on the site. The height of the lights shall not exceed 20 feet in height and the concrete pedestal bases that the lights are on shall not exceed 12 inches above grade. Again, one of the other things we wanted to do is kind of bring those lighting standards down. We've got residential development to the south and to the west, so we want to make sure that the lighting is not excessive and too high for the adjacent neighbors. If the light poles are proposed to be used for security cameras, and some are as discussed below, the lights shall be sized to handle -- in other words the pole needs to be sturdy

and strong enough to handle any cameras and the wind loads that would be associated with having additional cameras for the security system.

A work in the right-of-way permit will be required for all work done with the Village's right-of-way, and that work need to be done by a Village pre-approved contractor. In addition, any work in Highway 50 right-of-way does also need to be done by either a State contractor or by a State approved contractor. I think at one point that the State had identified that they would work with you in order to do that removal of the Highway 50 access driveway. And I think that that's still the intent, correct?

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Yes.

Jean Werbie-Harris:

With respect to the building and façade improvements as part of the redevelopment of the site, the building will be modified, it will be updated. The building will now be fully sprinklered pursuant to the Village's fire suppression requirements. And actually some of that work has been ongoing over the last couple of months. The entire building will now be sprinklered, and that is a community benefit since there was never any sprinklers in the building before.

The building façade improvements include:

- Increasing the square footage by 1,565 square feet to a total of for the total building at 60,332 square feet. This small addition will be in three areas at the front of the building to eliminate that alcoves and provide one continuous façade.
- They're going to be removing the canopy and creating a new parapet for the front of the building
- They are reconfiguring the units within the building. There will be 11 total tenant spaces and a basement that will be allowed for storage by the tenants since their sprinkler system has been installed within the building.
- The north or front façade of the building: The current peaked parapet and the covered canopy over the sidewalk and store entrance areas on the front façade will be removed and a new parapet and façade will be added. The main store front areas will be re-glazed with bronze aluminum frames and new doors will be installed. The existing painted brick and glazed tile will be replaced with a new brick veneer, and all windows on the front will be replaced with the exception of the windows on Ace Hardware and Auto Zone areas. And the developer can update us if there's been any change with respect to that.

The new parapet wall will provide a higher elevation, 19 feet, and it will be added at three locations, tenant space 4 occupied by Auto Zone, tenant space 7 to be occupied by Family Dollar and tenant space 11 occupied by Ace Hardware. The tenant spaces between these heights will drop down 3 feet to 16 feet. A band of EFIS is proposed

which will provide space for the tenant wall signage. We've actually also identified specific areas that the signage can be placed on these buildings as well.

- With respect to the west façade or the west side, brick on the west side of the building will remain. And remember that's the side that at one point had I think it was Southport Restaurant and it had Hostess. But at this point that's all going to remain as it is. The windows will remain. The wood trim detail under the window will be removed. The plaster area is going to be painted to match the brick. The entrance doors and the concrete steps will remain, but the steps will need to be repaired, and the door, door frame and rails will need to be painted black, again, to bring that unified color throughout. The canopy area and the brick piers are proposed to remain. However, some of the existing trim details will be removed and the plaster will be repainted to match the brick, again, to take some of that chalet type look off of the west side of the building.
- The south or the rear façade: The existing block wall and metal ribbed panels are proposed to remain unchanged. New guard rails are proposed by each loading dock area and two new dock door areas with stairs are proposed. In addition six new block dumpster enclosure areas are proposed in the rear of the building. The block dumpster enclosures will be at a height of eight feet. Hopefully that will help with respect to the dumpster itself and anything that's inside there. The fence gates are proposed to be chain link with vinyl slats. All metal railings, door frames and doors will all be painted black and remain to be painted black. They can't be painted orange or any other color that a tenant wants to paint them. All back doors shall have lettering stenciled with the tenant space number, maximum height of letters three inches. Areas of the dumpsters and loading docks will be replaced with concrete on the property and within the right-of-way of adjacent 76th to meet the edge of the paved road. Three other areas where heavy traffic is not proposed will remain asphalt from the building to the edge of the road. In addition, the developer is working with We Energies and other utilities to relocate some of the existing poles as well..
- With respect to the east side of the façade, the existing block wall and metal canopy are proposed to remain unchanged. That's where Ace Hardware is located. The metal canopy will likely be removed at some point in the future when the outdoor garden area for Ace is removed.

For signage we are going to be removing that iconic sign out there, and they are going to be bringing the sign down and just updating of the sign so that nonconforming pylon will be removed. The sign is proposed to be 18 feet with 135 square feet of display area for the tenants including the signage area for Center 50. The sign will be placed on a brick base to match the building with landscaped areas, and the address of the center will also now be on the sign. The address letters will need to be three inches high and 18 inches off the ground. I think we're actually also changing the addresses. Are we changes the addresses? So there's actually one address for the Center, and then each of the individual tenant spaces will have like a sub lettering. I'm not sure if it's going to be a suite or a number, but there will be one address for the entire center. The leading edge of the sign is proposed to be set back five feet from the property line adjacent to Highway 50.

With respect to the security, as part of the PUD, the Village is requiring a Digital Security Imaging System so there will be a camera system out on this site as well. The owner will own and operate and maintain the system. The Village will not be the owner of the system. The owner will grant the Village back a blanket easement to maintain the system if at some point that the owner fails to maintain that particular system. The DSIS will need to be inspected and operational by November 1, 2013 or prior to the Village issuing a written certificate of compliance for the building and site improvements, whichever occurs first. There was one correction in the DSIS that they could have up to 12 tenants, 11 to 12 tenants at the Center. And so I just wanted to correct that from 9 to up to 12. I'm not sure exactly how many that they're going to have. But that was only just one typo in that agreement that was attached in your packets.

With respect to the Planned Unit Development Overlay District, as part of the redevelopment, the PUD is being proposed. And, again, the PUD gives the Village some flexibility for the B-2 District provided that there's community benefit, and we've been discussing some of that with respect to the DSIS and the landscaping and the sprinkler system and some of the other upgrades that have been put into this older facility.

Since the property abuts four streets, the B-2 District currently requires that the building be set back 65 feet from the property line adjacent to Highway 50, a minimum of 40 feet from the property lines adjacent to 45th and 47th Avenue and 76th Street. We all know none of those things are happening. Based on this building having been constructed in 1959 it does not meet these setbacks. It's considered a legal but nonconforming structure. So as part of this PUD we are actually identifying all the setbacks from each of the streets, and all of these setbacks we're talking about are going to be incorporated into the PUD. Which means that this will be a legal conforming structure based on the Planned Unit Development requirements for this B-2 District.

So in particular, the building is 17.6 feet from the property line adjacent to 76th Street with concrete steps, loading docks and garbage enclosures with nearly a zero setback. The existing garbage dumpster behind space 13 that is in the right-of-way of 76th Street shall be removed. So we are trying to move a couple things out. The building setback to 45th Avenue and 76th Street shall meet the minimum setback requirements. And the building is set back 8.8 feet from 47th Avenue with the supports of the covered walkway with nearly at a zero lot line setback.

The Village zoning ordinance requires that the parking lots, including fire lanes and maneuvering lanes, be located a minimum of 20 feet from the property lines. The existing paved parking lots are paved to the property lines, and some existing parking adjacent to 47th Avenue is actually located within the right-of-way. In addition, the zoning ordinance requires landscaped islands for every 25 parking spaces. And for the most part those are going to be configured on the site.

The PUD as attached includes the following:

- It reduces building setback to allow a zero foot building setback to 76th Street and 47th Avenue which includes the steps, the docks, the enclosures and the supports for the walkways.
- It allows the detached ATM enclosure to be set back a minimum of 20 feet from property lines.

- It reduces the parking lot setbacks that are clearly defined at entrances and exits are provided to the site from 45th and 47th Avenue and 76th Street and the entrance to Highway 50, and the entrance to Highway 50 is being removed.
- It requires curbed landscaped islands at the end of all parking aisle, and additional landscaping is being provided along the perimeter of the site.
- It allows the primary monument sign to be 18 feet high and setback five feet from the property line.
- It allows a three foot high decorative fence to be located on the property line adjacent to Highway 50.
- It allows the minimum parking spaces to be reduced.
- It allows the minimum open space requirements to be reduced.
- It allows for the construction of detached garbage enclosures in the back of the building.
- It requires that the development be monitored by a Digital Security Imaging System and an access easement provided to the Village.
- And as required by municipal ordinance the building is now being protected by an automatic fire protection system or a sprinkler system.

With that I would like to continue the public hearing and introduce Jim Ablan. He is the owner of the now Center 50. And if you have any questions for him or if he wants to add anything to the presentation.

Michael Serpe:

This is a matter for public hearing, and we just ask for your name and address for the record.

Jim Ablan:

My name is Jim Ablan, and my address is 445 West Roslyn Place in Chicago. And I'm the managing member of Center 50. I guess I will give you a little explanation about what we have and what we're trying to accomplish and be happy to address any issues that may come up. We bought this property about a year ago, and the goal was to redevelop the property. It was in as you well probably know better than anyone pretty sad shape. And so the first thing that we did with the direction of the zoning staff and the fire chief and his staff was to put in a life safety system to put in sprinklers. And we were allowed to go ahead and do that right away, and that's underway. That's more than half done.

And then as we went through the process we tried to identify the tenants that wanted to stay and those that didn't and we're going through that process. And our goal is to modernize the property to put a new face on it, redo the parking lot to bring it into the current standards, to make the

property look like a new property under the theory that given the area that surrounds it that this should be and will be a viable shopping center. And as a part of that Family Dollar who is a known variety store has said that they want to be a tenant. We've signed a lease with them. They've got us under a pretty stringent time table with penalties and enough ability to inflict pain that we're trying to go just as fast as we can go.

We've got a meeting after this meeting. We have a meeting tomorrow at the site at one o'clock with all of the contractors that are keyed up. All the contracts have been pretty well agreed to with the exception of the site work, the final drives. That hasn't been awarded yet, and the underground work for the front of the site hasn't been -- we haven't finalized that yet. But everything else is pretty well set to go.

And the goal is to -- if you build they'll come. And we want to make it look good, we want to make it look modern. We want to have it accessible to everybody, and we want to lease it up. And so the goal is we're going to provide jobs, we're going to provide hopefully a viable center within the community and have it be a shopping center as it should be. As a part of that we've been fortunate enough to be allowed to use portions of outside the area, and we're stretching the envelope because of the constraint site that we're going to pave part of the areas in the back and put landscaping in the areas of 47th Street that really aren't utilized much now. And so it should be good. Should be good. We're hopefully that it will be a credit to what we're about and a credit to the community.

Michael Serpe:

Very aggressive project, very aggressive. Anybody else wishing to speak? Anybody else wishing to speak? Sir? Just name and address for the record please.

Skip Rivers:

Good evening. My name is Skip Rivers. I live at 7611 47th Avenue directly behind AutoZone. And just first I want to say I'm all for commerce coming in. We've lived there since October of '99, but I do have a couple of questions because I have to be concerned about property values and things such as that as far as that goes. But a couple of things as far as deliveries. With AutoZone there is some issues at times, but the Village has been good about keeping them within their time constraints and things such as that. But is it going to be increased deliveries? Do I have to be concerned about that at various times or anything such as that. I don't know if this is the correct forum for that or address it to the developer or through here or whatever?

Michael Serpe:

Go ahead.

Skip Rivers:

Is there going to be increased deliveries as far as times go and things such as that. Because I believe no deliveries after ten o'clock for anything such as that.

Michael Serpe:

Okay, Jean might have some answers to that. Considering the magnitude of the development I'm sure there's going to be more activity.

Skip Rivers:

Undoubtedly.

Michael Serpe:

But as far as reasonable hours of deliveries that's a good question.

Jean Werbie-Harris:

With respect to the hours for delivery when product can come and trucks can come to the site, trucks can idle, the beeping, the backing of the trucks right now it's 6 a.m. to 10 o'clock p.m. is what the ordinance is. And it's not going to be increased beyond that or outside of that.

Skip Rivers:

Okay, that's fine. But they can idle you said while they're sitting there? They can idle?

Jean Werbie-Harris:

Not before 6 a.m.

Skip Rivers:

Or after ten o'clock.

Jean Werbie-Harris:

Right.

Skip Rivers:

Like I said the Village has been very good about that. We've had issues and things as far as that goes. My other concern is on the back end, I'm trying to think of a term to describe it. It doesn't look very nice right now.

Jean Werbie-Harris:

No, it doesn't.

Skip Rivers:

And they came in and they put up those huge bins and high iron walls and whatever. And they're pretty much junk right now. And I'd like to know if there's any assurance that they're going to come up with a better system, one, that allows the wind to go through them. I was in the Navy for 25 years and the latches are all broken and I feel like I'm back onboard ship tied up pier side with the mooring lines creaking just going back and forth, back and forth. And I haven't been diligent lately because it's been winter time and things such as that, but it looks really bad back there, and that's another one of my concerns.

Michael Serpe:

That's been a concern of the Village's as well, and I'm sure you'll be pleasantly surprised when you see the end result.

Skip Rivers:

So are we looking at something new or the same old thing as far as the enclosures for the garbage bins.

[Inaudible]

Jean Werbie-Harris:

That's okay, he just needs to come up and identify himself.

James Ablan:

If you turn around, the plan is to make it look like this. And what the enclosures are is the side is masonry and then the --

Jean Werbie-Harris:

Jim, I'm sorry, can you grab the microphone. We're not picking you up. There you go.

James Ablan:

Okay, so the sides are masonry. They're masonry enclosures. They're eight feet high so that you won't be able to see any trash or any dumpsters or any of that business. The sides, we don't show a side, but they're masonry sides on three sides, and then on the side that we're looking at, the elevation side, it's fencing that has slats in it so that the wind can get through but they have a uniform color. And so then when the truck comes to get the refuse you open those up, and then the pads are big enough that they can slide the dumpster out of the dumpster enclosure, then the truck picks it up and dumps it and puts it back down. And then they're required to put it back in place, close the door so that except for when the truck is there picking up the trash this is what you would see.

Skip Rivers:

They didn't keep them up. My question is if a latch breaks or whatever is something going to be there to repair it.

James Ablan:

That's me. We're going to build them, they're going to be new.

Michael Serpe:

Sir, whoever is going to talk let's get them on the record.

James Ablan:

This is Andy Surdrowski, the architect.

Michael Serpe:

Name and address.

Andy Surdrowski:

Andy Surdrowski, 4801 Emerson Avenue in Palatine. The trash enclosures currently I believe they're made from wood, wooden gates and everything. And, again, here's the plan that I'm showing you. And it's going to be three sided block walls, and the front, again like Jim Ablan said, is going to be chainlink fence with black slats in there so everything is covered. And latches and everything is going to be maintained by --

--:

It should look good.

Andy Surdrowski:

It's all going to be brand new. Everything is going to be removed from the back, the old trash enclosures, and we're going for building everything new, from scratch.

Skip Rivers:

I have a list here, I hope you don't mind. I've got a couple of things here.

Michael Serpe:

That's what we're here for.

Skip Rivers:

Okay, appreciate that very much. The propane tank, when it's moved is that going to be an underground also with the tanks or is it above?

James Ablan:

Our plan is to move the propane tank from the front of the center to back here next to this island. And then to landscape that island so that the tank is screened. In fact, if you look at it on the map if you could do the pointer that's where we're looking to move it to. And then you see the landscaped island just below it? The idea is to landscape that island, and then you've got the other landscape buffer. They want to sell propane. The hardware store wants to sell it.

Skip Rivers:

I go there, I buy my propane there.

James Ablan:

But we're trying to put it in a place that's as inconspicuous as possible.

Skip Rivers:

Is there barricades from some idiot from a car?

James Ablan:

I think that that's a legitimate question. If someone were to ram into that thing and have it blow up would not be a very good situation. So the thing that we'll do is they'll put bollards around it the way that are around the one up on top and it will be secure.

Skip Rivers:

Okay, thank you. As far as the parking I have a concern on the northwest side here down on the corner here that you plan on adding. My concern is --

Michael Serpe:

Take the microphone with you.

Skip Rivers:

I'm sorry. Little out of practice. I live here. This is a four way stop here. And ever since we've lived here people roll this stop sign.

Michael Serpe:

They roll through stop signs all over the city.

Skip Rivers:

I understand that but I live right here. We've got kids, autistic kids, there are a number of kids right there. And it's hit or miss a lot of times, but when people come, the people with the motorcycles and their vintage cars, whatever, that's when they decided to lower the hammer to haul tail up there. And I'm concerned about parking right there, safety measures, people backing out, pulling in and people rolling those stop signs. It's just something I just want to make you aware because that is a problem.

James Ablan:

I can address the plan. There's a parking lot there now. And our plan was to have that be for employee parking.

Michael Serpe:

Take the microphone, Jim.

James Ablan:

The plan is for employee parking to be in this area for these people, and for the people in the center we're going to ask them to have their employees park over here. And a part of the development is that we've got rules and regulations that now go into the leases. The only tenant that will not be subject to the rules and regulations only because we don't have the right to impose on them is the AutoZone. The hardware store we have the right to and have asked them to follow the rules and regulations and the same with Erica's who signed a new lease. So we're going to have to work with the AutoZone a little bit to get them to come along.

Skip Rivers:

The people driving, not necessarily the ones going there but going back and forth. And I believe I just have one more. As far as the digital cameras, as far as where they're located, can I ask they just not be pointed in my backyard when I'm sitting back there drinking beer or whatever. Actually that's the question I have as far as where they're going to be pointing in as far as my backyard.

James Ablan:

I can show you where they're going to be pointed. We hadn't planned on pointing them at you. We can make the video available [inaudible] although there is going to be --

Michael Serpe:

Take the microphone.

Jean Werbie-Harris:

Jim we have it and we can show you.

James Ablan:

There is going to be one pointed here at that corner. So any of those kids that are doing whatever they do that they shouldn't be doing --

Skip Rivers:

Skateboarders.

James Ablan:

-- at that corner they'll be doing it on camera. That may slow them down a little bit.

Skip Rivers:

I believe that's all the questions I have so thank you very much.

Michael Serpe:

Thank you. Anybody else wishing to speak? Anybody else? We'll close the public hearing and open it up to comments and questions. Jean, go ahead.

Jean Werbie-Harris:

I just wanted to mention three things about Ace Hardware. Like any violations that are out there or any things that have kind of lived their useful life out there such as their plastic banner sign that has to come down. They have to have the same signage as the rest of the Center. They have an Ace truck that they use. That's going to be redirected, and they're going to have to park it in a very specific inconspicuous area in the back. It's not intended to be used as advertising signage. They need to get a conditional use when the propane tank gets relocated, and that will come back before the Plan Commission. And then just one other thing I wanted to mention and that is in a November 13, 2012 email between the fire department and a sprinkler contractor basically they agreed on some locations with respect to the new fire hydrants and such, and that will get all worked into the staff comments that we discussed.

Michael Serpe:

Larry?

Larry Zarletti:

Sir, I appreciated your comments. I am also your neighbor and I have been watching this very closely. I was also concerned about the rear of the building. It's been just a disaster. We have a nice subdivision. Most of the people there take care of their things, and that was just a terrible

eyesore, so I welcome them to come in and to clean that back up. And I believe that the new plan that they're putting in place is actually going to be good for the whole neighborhood. And then, of course, what they're doing with the front and making it all look more like the year 2000 I think it's going to be good for all of us. So I'm looking forward to it, and I've got your back on that.

John Braig:

The illustration we've got here is very nice, very neat, looks great. I note at the Ace Hardware end the garden center doesn't exist. Are there any restrictions on outdoor display or sales or storage?

Jean Werbie-Harris:

We do have some, and the staff is going to be sitting down with Ace Hardware. With respect to the new development, yes, there's restrictions with respect to that. Ace had some things grandfathered in, but we are going to sit down with them to kind of do an image update on their stuff as well because it cannot exist the way it is. And, in fact, there had been some discussion with Jim and their corporate owners with respect to doing some updates, and I would like to pursue that with Ace Hardware, and I'm going to be doing that with them.

John Braig:

Will we get a chance to kick the can?

Jean Werbie-Harris:

Sure, yes.

Larry Zarletti:

Are you talking about the fenced in area where the mulch --

John Braig:

They've got outdoor storage, they've got a temporary storage facility, I don't know what you call it but it sits there. They've always got the whole front of the store outdoors is loaded with chairs or bags or flowers or various insundry. Is that to be continued or is that objectionable or haven't we decided?

Jean Werbie-Harris:

Again, it won't be continued the way it looks today. The whole front of the facility is going to look much different, and so they're not going to really have a canopy to be under I don't think for anything. So, again, I need to have some conversations with Ace Hardware and their corporation.

John Braig:

It needs to look different.

Jean Werbie-Harris:

And one of the other things is that we do need to get a new conditional use, and when you issue a new conditional use permit there can't be any existing violations or issues with respect to your space in order to get a new permit from the Village. So we'll be working through that with them.

John Braig:

Good.

Larry Zarletti:

I don't think I really -- I mean the side of it does look a little goofy for the most part. But the front of it it's a hardware store. So if they've got a lawnmower sitting out there, they're going to display a few snow blowers I mean it looks fine. They take them in at night, that kind of thing. A couple of those chairs, I suppose they could display the chairs inside. But I want to be careful not to dictate too many things like this hometown Ace Hardware store or any other business for that matter. And so if that's what they need to do to display their wares to put a snow blower out front for the day and bring it in at night those types of things I would support. So I hope that when we're swinging whatever we're swinging to get it squared away we don't swing it too hard.

Michael Serpe:

I was in Ace just two days ago, and it's crowded. They brought everything in and the aisle space is limited, the storage space they have is limited. I agree somewhat with Larry that it's a hardware store, people buy impulse buying, they see a lawnmower or let's take a look at the snow blower, let's take a look at the lawnmower.

John Braig:

Originally that was a supermarket, wasn't it?

Michael Serpe:

Originally yes. But it's limited on space and it is crowded in that store. And I hope for their success in the future but you don't know.

Mike Pollocoff:

I really think that not tonight but I really think it's a conversation for the Plan Commission to have to think about, and you see it happening all over as municipalities adjust their zoning standards for outdoor seating, getting some of the business out in front of a place. It has to be well done, it has to be done in a way so we don't have pallets of things stacked up in front of a business. But I think it does take away some of the sterility of some buildings for somebody to market outside of their place. And it's really defining where the limit is, how far can we go on it.

But I think as time goes on and you look at how smaller businesses are marketing their wares or marketing what it is they sell, whether it's a local hardware store which is classical, but even if you go to Menards or if you go to Lowe's you think about how much stuff that they have out. And it's just finding a way for a smaller business to be able to take advantage of the business presence there and have a somewhat organized way or a way that isn't going to diminish the ability of the traveling public or the pedestrian public to walk by their business, come up in and see what they have. It is things that have to go back in at night.

But I think as we move forward as we start seeing more local businesses hopefully in some of our areas I think we shouldn't -- before we get really restrictive and say nothing on the streets, nothing out there, I think the municipalities are changing their standard to allow some more things out there, to allow a business to have what they sell or what their service is to engage the public in front of their establishment. I think that we just say no we want everything inside and we don't want anything outside we can do that. But I'm not sure if it's really setting the flavor for what we want to have for small businesses to be able to have here.

James Ablan:

I'd like to address this point if I may for a moment. Currently Ace Hardware has an enclosed area that is quite narrow. I don't know if it's shown on that. Yes, it is shown on that plan. If you look closely it's inside the current plan [inaudible]. Currently the Ace Hardware outdoor space goes like this. And the plan that we've designed, actually that Andy has designed, we've helped him along the way, we're able to increase their space and not give up any parking so that theoretically you could have a sliding gate here and here where you could have a drive through access that would be screened on this side that they could have all of their outdoor wares outside, or alternatively they could have all of their outdoor wares under a canopy.

If they'd like to take out the storage container that they have here there's enough room here for them to put their greenhouse, to be able to leave all their stuff outside that's outside, to be able to have drive through access, to be able to have it screened from the other tenants and from everybody else. There's a way that this can work for everybody. What we need to accomplish is to have a little bit of cooperation across the board from them and some understanding from everybody so that -- and we've talked to Jean about this, about what we could do with them to open up this area. And we got a favorable response if we can just have the screening be so that the people that live around there can have it look the way they would have it look, and they can have the outdoor space. And then we want a little cooperation from Ace. We've got some issues with them in terms of the fire marshal wants them to put a fire door in the back as opposed to the wood door that is there now that needs to be replaced. We've got a few issues, but hopefully we'll be able to get to this and it can work for everybody.

Michael Serpe:

Any other questions? What's your pleasure?

Jim Bandura:

I move for approval for approving this Center 50 planned development.

Michael Serpe:

Is that Item A, the site and operational?

Jim Bandura:

Site and operational also. Well, the first one.

Michael Serpe:

We'll take one at a time. Let's work on Item A first.

Jim Bandura:

Item A.

Larry Zarletti:

Second.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND SECOND BY LARRY ZARLETTI FOR APPROVAL OF SITE AND OPERATIONAL INCLUDING APPROVAL OF THE DIGITAL SECURITY IMAGING SYSTEM AND ACCESS EASEMENT, IS THAT RIGHT?

Jim Bandura:

That's correct.

Michael Serpe:

All those in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed?

Jim Bandura:

Now Item B. I move for approval on Item B.

Larry Zarletti:

I'd also second that.

Michael Serpe:

MOTION MADE BY JIM BANDURA AND SECONDED BY LARRY ZARLETTI FOR APPROVAL OF THE CONSIDERATION OF A ZONING MAP AND ZONING TEXT AMENDMENTS. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you. Good luck. When is the project anticipated to be completed?

James Ablan:

The goal is to have all of the construction in place by August 31st at 12 p.m. Then the meter starts ticking on the -- we've got penalties [inaudible].

7. ADJOURN.

Larry Zarletti:

Move adjournment.

John Braig:

Second.

Michael Serpe:

Motion made and seconded to adjourn. All those in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you.

Meeting Adjourned at 6:49 p.m.