

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
July 8, 2013**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on July 8, 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). 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.**

Tom Terwall:

I seek your indulgence and I want to make one minor change in the agenda. Last night, at 12:30 this morning Pleasant Prairie rescue was called to a residence for a patient for a possible heart attack. They went to the home of Larry Zarletti. They were able to revive him, brought him to the hospital. In fact, he was conscious and alert talking to the paramedics as well as talking to the doctors. But once he got to the ER he coded again. They were unsuccessful in bring him back, and so Larry has passed away. And in his memory as a memory of the Plan Commission I'm going to begin the meeting with a moment of silence to reflect upon Larry. Thank you.

**2. ROLL CALL.**

**3. CORRESPONDENCE.**

Jean Werbie-Harris:

I have none this evening.

**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 your comments can be incorporated as a part of the official record. However, if you're here for an Item either C or D or an item that does not appear on the agenda now would be your opportunity to speak. We'd ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

**5. NEW BUSINESS.**

**A. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND ZONING TEXT AMENDMENT for the requests of Thomas J. O'Connell Jr. agent**

**on behalf of Christopher and Susan Tenuta, owners of the property located at 7804 Cooper Road to rezone the property from R-4 (UHO) Urban Single Family Residential District with an Urban Landholding Overlay District to R-4 (UHO) (PUD), Urban Single Family Residential District with an Urban Landholding Overlay District and a Planned Unit Development Overlay District; and to create the specific PUD District zoning regulations for the one (1) single family home development of the property.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is a request for a zoning map and text amendment for the request of Tom O'Connell, Jr., agent on behalf of Christopher and Susan Tenuta owners of the property located at 7804 Cooper Road. The request is to rezone the property from R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District, to an R-4 (UHO) (PUD). Again, the PUD is a Planned Unit Development Overlay District; and to create the specific PUD district zoning regulations for the one single family home development of the property.

As shown on the slide, the petitioners are requesting to construct a single family home and up to six accessory buildings on the 30 plus acre property located at 7804 Cooper Road. The property is bounded on the north by the Union Pacific Railway, Cooper Road on the east. It's just north of 79th Street on the south, and it is just to the east of 55th Avenue.

The property is currently zoned R-4 (UHO). Again, that's an Urban Single Family Residential District with an Urban Landholding Overlay District. The R-4 District allows for a residential lot to have three detached accessory buildings, each of which do not exceed both the first floor living unit square footage area of the house and the total height of the house. The new house shall connect to both municipal sanitary sewer and water services.

The petitioner is not proposing to subdivide the property at this time and is only proposing to reconstruct one approximate 4,500 square foot single family home on the property. This area of the Village has restricted sanitary sewer capacity; therefore, any future land division cannot occur until such time that sewer capacity is made available or an analysis is completed to determine the capacity of the sewerage system.

The new home is proposed to be located at the same general area of what was an home that had been previously razed. In addition, the owner is proposing to construct up to six accessory buildings on the property that vary in size with the largest being 6,000 square feet. Examples of the accessory structures include but are not limited to: one well pump housing, two gazebos, one or more garages, and a pool or deck. Therefore, to allow for some flexibility in dimensional requirements of the zoning ordinance, the petitioner has requested a Planned Unit Development or a PUD for the property in order to accommodate up to six structures on his 30 acres of land. A PUD can only be approved provided that there is community benefit for the development project.

Based on the foregoing, the property is proposed to be rezoned from R-4, (UHO) to R-4, (UHO), (PUD). In addition, a Zoning Text Amendment is proposed to be created for the specific PUD District zoning regulations for the one single family home. The following variations are included within the PUD Ordinance:

1. To allow up to five detached structures each less than 2,000 square feet on the property and one detached structure between 2,001 and 6,000 square feet subject to the following restrictions:

If the structure is 1,000 square feet or less in area then:

- Said structure shall be a minimum of 10 feet from a principal structure;
- Said structure shall be a minimum of: five feet from any other accessory structure that is less than 1,000 square feet in size; 10 feet from any other accessory structure that is between 1,001 and 2,000 square feet in size; and 25 feet from any other accessory structure that is greater than 2,000 square feet in size;
- Said structure shall be a minimum of 20 feet from any side or rear lot line;
- Said structure shall be a minimum of 20 feet from any rear street lot line adjacent to the right-of-way and shall be at least a minimum of 100 feet from the front street lot line which is at Cooper Road adjacent to a Village's right-of-way;
- Said structure shall not exceed 20 feet in height as measured from the grade at the base of the structure to the highest roof ridge;
- Said structure shall not be used for human habitation or animal shelter; and
- Said structure shall be located a minimum of 25 feet from wetlands on said property.

We also have similar requirements if one of the six structures is between 1,001 square feet and 2,000 square feet in area. Again, it shall not be located in the front street yard. And then in looking at all the other requirements the setback from the principal structure is now 15 feet and then it goes on from there. I can go through all the very specifics for you. But basically we increase the footage distance as we get an increased size in an accessory structure.

And then finally with respect to the last category between the 2,001 and 6,000 square feet the structure shall not be located in the front street yard. Again, that's the Cooper Road area. The structure shall be a minimum of 20 feet from the principal structure of the house. The structure shall be five feet from any other structure that's less than 1,000 square feet in size; 10 feet from an accessory structure that's between 1,001 and 2,000 square feet; and 25 feet from any other structure that's greater than 2,000 square feet in size. The structure shall be a minimum of 200 feet from a side or rear lot line and 250 feet from the rear lot line adjacent to the Village's right of way to the west. The structure shall not exceed 29 feet in height as measured from grade at the base of the structure to the highest roof ridge. And the structure shall not be used for human habitation or animal shelter. The structure shall be located a minimum of 25 feet from any wetlands that may be on the property.

2. The second point was that a swimming pool may be located within a front street yard provided the swimming pool is located a minimum of 100 feet from the right of way of Cooper Road, and it also complies with all other requirements of the Village ordinance.
3. The original 6 foot high historic stone pillars and stone wall which mark the corners of the original driveway entrance of the property on Cooper Road may be allowed to be re-installed but no closer than they are currently located to the Cooper Road travel pavement. The stone pillars and stone wall proposed at the driveway entrance on Cooper Road may be replaced just inside the right-of-way subject to the approval of the Village Board and subject to owners executing and providing an indemnification and waiver of liability to the Village, obtaining the proper Village fence or work in the right-of-way permits and providing verification that these pillars/stone wall will not impact the traveler's vision when entering and exiting the site and will not compromise the Village's road work operations, as determined by the Village.

So in consideration of the above noted numerical and dimensional variations or modification requirements, the Village will require as part of the required community benefit that any accessory buildings over 3,500 square feet be serviced with an automatic residential fire sprinkler system and follow the recommendations as set forth by the Fire & Rescue Department. According to the Chief, due to the proposed size of this particular accessory building, a private water lateral from the public water main should be extended to serve the residential fire sprinklers, and an early warning system should be provided as an appropriate precaution and safeguard towards protecting not only the owner and his family's safety and welfare but those of the abutting neighbors and the Village as a whole.

Just a final comment, the property is located within the Country Home Neighborhood, and pursuant to the 2035 Comprehensive Land Use Plan Map, this property is located in the upper medium density residential neighborhood, and it has an urban reserve designation. The proposed zoning map amendment would be consistent with the Village's Comprehensive Plan as well as any existing neighborhood plans for that particular area.

What I'd like to do now is introduce Tom O'Connell who is the architect and the representative for the Tenutas, and he can explain things a little bit further with respect to their request this evening.

Tom O'Connell:

Good evening, Tom O'Connell, 600 52nd Street, Suite 220, in Kenosha. I'm here on behalf of my clients, Chris and Sue Tenuta, and also with me is David DeBartello from our office who is going to kind of fact check me on any issues that may arise. We're looking, as Jean thoroughly explained, to construct a single family home on a 30 acre site pretty much consistent with the location of the previous home. And existing on the site is an existing gazebo structure, there's an existing well house, and there was a previous detached garage that has subsequently been torn down. We're looking to develop the project very similarly, same location, a little smaller in scale.

And one of the issues that we have is just the detached garage. This would be a 6,000 square foot garage which would be approximately 60 feet by 100 feet in dimension which will allow my clients to -- they have an RV that pulls a trailer, and they would be able to pull the RV and the trailer into the garage without having to detach it into multiple components. And then the balance of the garage would be for a couple other vehicles, perhaps motorcycles and things of that nature. So that's the primary issue I think with regard to the detached structures. The 6,000 square feet is a large garage. However, when you consider a 30 acre lot it is fairly small in scale compared to the size of the lot.

There was an image up there showing the south and west facades. As you can see the south facade this is kind of the view from the house. And then the west facade this is as viewed from kind of the west property line. It would be set back over 250 feet from the west property line. And there's some existing vegetation in there that this would tuck into nicely that will help screen it from view especially from the west. From the east we're not even sure if it's going to be visible with the tall stand of oak trees and all the vegetation along Cooper Road. So we do have the aerial view here. You can see Cooper Road runs through here. We've got kind of a nice open green prairie area, all the oak trees in this area, a lot of trees and low vegetation to the south. And the west property line is substantially screened from view. So I'm here to answer any questions you might have in relation to the architectural features.

Tom Terwall:

Thanks, Tom. This is a matter for public hearing. If there's anybody wishing to speak now would be your opportunity to speak. We'd ask you to step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments? Seeing none, I'm going to open it up to comments from the Commission and staff. Don?

Don Hackbarth:

I kind of like the larger garage, and the reason being it's kind of nice to put RVs away. A lot of people around here have them outside, and it's not the most attractive site. So I would be in favor of the larger shed.

Tom Terwall:

I have a question. Mike, there's been some discussion at some point about enlarging the retention basin at the front of that property. Is that still under consideration?

Mike Pollocoff:

It is part of the master drainage plan for that area. We would need to at the time that we're ready to go with that we would need to acquire some land from Mr. Tenuta as well as Mr. Dano's property. And then there would be the construction of a 60 inch storm sewer from 80th Street south to this point. And this water would then in turn drain back to the detention basin behind 57th or 55th, and then as it released it would come back down 80th Street. So very expensive project. Right now the couple times we've checked we haven't had any support from the City to pay for their share of it. So we have a design done and it's sitting there.

And to be honest with you, and the City really benefits more from this than the Village residents do because the flooding occurs on that street just east of Cooper Road. There's some flooding that occurs by Dr. Crawford's office and those areas there, but the primary purpose would be to mitigate flooding that occurs in Kenosha. So until the City and the Village work that out I think it just stays the way it is.

Tom Terwall:

Are there any restrictions placed on Mr. Tenuta as far as building a building that would interfere at some future point when you do expand that retention basin?

Mike Pollocoff:

We certainly if he submitted a building plan as far as the topography of that area and the lay of the land we wouldn't recommend anything that would be in that area because it would be subject to being downstream from the prevailing flow of water. So I don't think that would be in his interest to begin with, but we would catch it at that point.

Tom Terwall:

Thank you. Anybody else? Wayne?

Wayne Koessl:

Mr. Chairman, unless other Commissioners have questions or problems I'm ready to make a motion.

Tom Terwall:

Proceed.

Wayne Koessl:

I move that we approve the zoning map and text amendment and send it to the Village Board for approval.

Jim Bandura:

I'll second.

Wayne Koessl:

And also I think this is an outstanding plan for that property.

Tom Terwall:

**IT'S DEFINITELY AN UPGRADE. A MOTION BY JIM BANDURA AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE**

**VILLAGE BOARD TO APPROVE THE ZONING MAP AND THE ZONING TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. The second one, Jean, do you want to discuss that, or have you said all you need to say about that as well?

Jean Werbie-Harris:

Actually the map and the text amendment were all part of the same motion. I believe I heard that from the Plan Commissioners. So if we have agreement that both were taken up with the one motion.

Tom Terwall:

Welcome. I look forward to seeing your building.

**B. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend the definition of Auxiliary Permitted Use in Section 420-152 of the Village Zoning Ordinance.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is a consideration of a zoning text amendment to amend the definition of auxiliary permitted use in Section 420-152 of the Village zoning ordinance. On March 11, 2013, the Plan Commission adopted Resolution 13-04 to initiate amendments to the Comprehensive Plan, the Village zoning ordinance and Village zoning maps related to the creation of a new district, the M-5, Production Manufacturing Zoning District, that would allow for a specific manufacturing, production and office uses located on properties located adjacent to the LakeView Corporate Park. On June 17, 2013, the Plan Commission held the public hearing, and the Board adopted the new M-5 District regulations as well as the Comprehensive Plan and the map amendments.

The new M-5 zoning district reflects an enhancement of the Village's public policy of sound and diversified economic development. While there had been and still are sufficient economic opportunities for the construction of warehouses and distribution facilities in the existing corporate parks, it's important to conserve land resources and economic infrastructure support in order to assist in providing more employment in the Village. The new district also serves to promote and encourage production, manufacturing and office-related employment as the primary uses with warehousing and distribution to be ancillary or secondary uses in the district.

As we discussed at the June 17th public hearing, in order to avoid any conflicts in the ordinance with respect to the definition for auxiliary permitted uses, we need to make a slight amendment. The definition in 420-152 is proposed to be amended to read as follows. And then the proposed changes a shown on the slide are bolded and highlighted. Those are the changes we're making. So an auxiliary permitted use is a principal use that is a permitted use only when it is auxiliary or secondary to one or more permitted uses located in a principal building and that it's located in the same principal building as the permitted uses. And this is the second part of the definition, and for any retail or service auxiliary uses it is designed to serve the needs of the occupants of the principal building, has no dedicated outside entrance to such building and has no signage visible from the exterior of such building. So with that I would like to continue the public hearing.

Tom Terwall:

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

Don Hackbarth:

Move approval of the amendment.

Michael Serpe:

Second.

Tom Terwall:

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

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**C. Consider the request of Chad Navis, agent for Towne Lakeview LLC owner of the property located at the northwest corner of STH 31 and 99th Street for a one (1) year time extension of the Site and Operational Plan approval for a proposed 99,000 square foot speculative industrial building.**

Jean Werbie-Harris:



Mr. Chairman and members of the Plan Commission and audience, this is the request of Chad Navis, agent for Towne Lakeview LLC owner of the property located at the northwest corner of Highway 31 and 99th Street in the LakeView Corporate park, and this was for site and operational plan approval for a proposed 99,000 square foot speculative industrial building.

As you recall maybe, on July 9, 2012, the Plan Commission conditionally approved site and operational plans for the petitioner to develop the vacant parcel located at the northwest corner of Highway 31 and 99th Street. It's Lot 2 of certified survey map 2686. At that time they were proposing to construct a 99,000 square foot speculative industrial building and with the possible future expansion of 77,000 square feet. The industrial building will be referred to as Towne VI.

The Plan Commission conditionally approved the site and operational plans for one year until July 9, 2013 subject to the conditions as specified in the attached approval letter dated July 19, 2012. Prior to the expiration of the approval all conditions of the approval needed to be met, and permits needed to be issues unless, of course, they request an extension which they have in this particular case. So they are requesting a one year approval extension of the site and operational plans for the Towne VI for the 99,000 square foot speculative building. And they are requesting it until July 9, 2014. And any and all conditions that were approved that it was subject to approval those would be those same conditions. Or, if there's any new specific amendments that come before the Plan Commission and the Board and the zoning ordinance it would be subject to those amendments as well.

Tom Terwall:

Chad, anything you wanted to add? Comments or questions? Come on up.

Chad Navis:

Chad Navis, Zilber Property Group on behalf of Towne Lakeview LLC, 9560 58th Place, Kenosha. I can certainly answer any of your questions. I don't have an agenda in front of me. I assume this applies --

Jean Werbie-Harris:

This is the first one. The next one is on.

Chad Navis:

Okay, so it's coming. Same concept applies for the other scenario.

Tom Terwall:

Thank you.

Michael Serpe:

The last time we started granting extensions we went into a recession.

Tom Terwall:

This is a result.

Wayne Koessler:

Mr. Chairman, move approval.

John Braig:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG TO APPROVE THE ONE YEAR EXTENSION FOR THE PROPERTY LOCATED -- FOR THE 99,000 SQUARE FOOT BUILDING LOCATED AT THE NORTHWEST CORNER OF STATE HIGHWAY 31 AND 99TH STREET FOR ONE YEAR. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**D. Consider the request of Chad Navis, agent for Towne Lakeview LLC owner of the property located at the northwest corner of STH 31 and 99th Street for a one (1) year time extension of the Site and Operational Plan approval for a proposed 176,000 square foot speculative industrial building.**

Jean Werbie-Harris:

And Item D on the agenda was to consider the request of Chad Navis, agent for Towne Lakeview LLC owner of the property located at the northwest corner of STH 31 and 99th Street for a one year time extension of the site and operational plan approval for a proposed 176,000 square foot speculative industrial building.

As you will recall, they had requested approval of two versions of this particular building plan, a 99,000 and then the second one was for 176,000. So their request is the same that they're asking for a one year extension for the conditionally approved site and operational plans until July 9, 2014 subject to the conditions specified in their approval letter and subject to any and all conditions that may develop between now and then. The staff recommends approval of their request again subject to the comments and conditions as outlined in the staff memo.

Tom Terwall:

Jean, so in other words they would have built either one or the other, not both?

Jean Werbie-Harris:

Correct.

John Braig:

Move approval.

Wayne Koessl:

Second.

Tom Terwall:

**MOVED BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO APPROVE THE ONE YEAR EXTENSION FOR THE SITE AND OPERATIONAL PLAN FOR THE CONSTRUCTION OF THE 176,000 SQUARE FOOT BUILDING TO BE LOCATED AT THE NORTHWEST CORNER OF STATE HIGHWAY 31 AND 99TH STREET SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

## **6. ADJOURN.**

John Braig:

Move adjournment.

Michael Serpe:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

We stand adjourned.

**Meeting Adjourned at 6:27 p.m.**