

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
August 12, 2013**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on August 12, 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.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE JULY 22, 2013 PLAN COMMISSION MEETING.**

Don Hackbarth:

So moved to approve.

Judy Juliana:

Second.

Tom Terwall:

**MOVED BY DON HACKBARTH AND SECONDED BY JUDY JULIANA TO APPROVE
THE MINUTES OF THE JULY 22, 2013 PLAN COMMISSION MEETING AS
PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

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

Tom Terwall:

If there's anybody in the audience that wishes to raise an issue now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments?

6. NEW BUSINESS

- A. Consider the request of Carmelo Tenuta agent, on behalf of Double D Two Investments LLC, owner of the property known as Outlot 4 of the Devonshire Subdivision generally located within the 4900 and 5100 block of 93rd Street (south side of 93rd Street) for approval of a Certified Survey Map to subdivide the property to create one (1) 18,075 square foot parcel on the northwest corner of the site so that the westernmost home on the property will be located on its own parcel and to dedicate right-of-way for the future southern extension of Cooper Road. The remaining 36.5 acres will remain one (1) parcel that may be subdivided in the future.**

Peggy Herrick:

This is the request of Carmelo Tenuta agent, on behalf of Double D Two Investments LLC, owner of the property known as Outlot 4 of the Devonshire Subdivision generally located within the 4900 and 5100 block of 93rd Street on the south side of 93rd Street. They are requesting for approval of a Certified Survey Map to subdivide the property to create one 18,075 square foot parcel on the northwest corner of the site so that the westernmost home on the property will be located on its own parcel and to dedicate right-of-way for the future southern extension of Cooper Road. The remaining 36.5 acres will remain as one parcel that may be subdivided in the future.

Lot 1 is currently zoned R-4, Urban Single Family Residential District. Lot 2 is currently zoned R-4, the wetlands are zoned C-1 and the future outlot areas pursuant to the preliminary plat for the Devonshire Subdivision are zoned PR-1, Neighborhood Park-Recreational District. Therefore, a Zoning Map Amendment is not required for the proposed land division. Furthermore, the Village Comprehensive Land Use Plan is consistent with the current zoning so the Comprehensive Land Use Plan does not need to be amended as part of this application.

Lot 1 is proposed to be 18,075 square feet with more than 100 feet of frontage on a public street, 93rd Street. The existing house will remain. The lot size and frontage meets the minimum requirements of the R-4 District. Lot 2 is proposed to be 36.5629 acres with over 700 feet of frontage on 93rd Street. This parcel is proposed to be further subdivided in the future into single family lots.

The existing home and garage within the proposed dedicated Cooper Road right-of-way shall be razed in accordance with the Village's Razing Permit Application requirements prior to recording the CSM or by December 1, 2013, whichever occurs first. The razing procedures include: removal of the structures, abandonment of all utilities, filling the foundation and the excavated area, returning the land area to grade and vegetatively stabilizing the land.

Owners Guarantee: A copy of the owners executed contract proposal to raze the structures and stabilize the site within the Cooper Road right-of-way, a performance bond equal to the contract

proposal and the executed copy of the attached Waiver of Liability and Indemnification shall be provided to the Village prior to recording the CSM to provide with the Village the assurance that the structures will be razed and the site restored in the Cooper Road right-of-way by December 1, 2013. After the structures are razed, the site is restored and the Village inspects and accepts the right-of-way then the performance bond and waiver will be released.

All of the other seven structures including another house and six outbuildings on the property shall be razed by September 1, 2014. These are structures located further east of the home being kept, the right-of-way being dedicated, they're further east of that. During the interim period up until September 1, 2014, all of the structures shall be properly maintained by the owner and free from vandalism and casual entry. If the remaining structures become a public nuisance, the Village will notify the owner in accordance with Municipal Code procedures for their immediate removal.

The notes on the CSM need to be modified as appropriate regarding the time frames for the removal of the boarded/abandoned structures on the property will be removed. If the structures are razed prior to recording the CSM, then the structures shall be removed from the face of the CSM.

As part of the preliminary plat for the Devonshire Subdivision conditionally approved by the Village Board on March 5, 2007 by Resolution #07-04, the intersection of Cooper Road and 93rd Street is proposed to be improved with a roundabout; therefore as part of this CSM, a 100-foot radius is being dedicated to the Village for the future roundabout and an 80-foot wide roadway dedication is also being dedicated for the future extension of Cooper Road to the south along the east side of the proposed Lot 1.

There is a note on the final plat for the Devonshire Subdivision that indicates no direct driveway access shall be obtained from 93rd Street to Outlot 4. Therefore, as indicated on the CSM No Direct Driveway Access to 93rd Street for both Lots 1 and 2 will be allowed after Cooper Road is extended. As such, a temporary access to Lot 1 will be allowed by the Village to remain in the same location since most of the existing driveway is within the dedicated Cooper Road to the east of Lot 1. This temporary driveway can remain until Lot 2 is developed and Cooper Road is constructed south of 93rd Street. The Lot 2 Developer shall be responsible both physically and financially for the relocation of the Lot 1 driveway and area restoration when Cooper Road is constructed. A note will be placed on the CSM that reflects this responsibility. Temporary construction easements shall be identified on the CSM to reflect the removal, relocation and restoration of the Lot 1 driveway. The location of the driveway access to Cooper Road shall be determined by the Village after the roundabout design has been finalized.

A 20 foot wide Temporary Construction Access Easement over the gravel construction access leading from 93rd Street to the existing Devonshire Phase 1 through Lot 2 shall be clearly identified on the CSM as the construction access for the existing home construction within the Devonshire Subdivision. This Temporary Construction Access Easement shall be dedicated on this CSM and the easement language shall be prepared by the surveyor and added to the CSM which indicates that private and public contractors shall be allowed to utilize this access to the existing Devonshire Phase 1 Subdivision until the lots are built upon or the Village releases the need for the easement, whichever occurs first.

The wetlands on Lot 2 are shown and legally described on the CSM. Pursuant to the Development Agreement and the approved engineering plans for the Devonshire Subdivision, the wetlands were filled pursuant to the attached Army Corp of Engineers and Wisconsin DNR permits for the future roadways as shown on the Preliminary Plat for Devonshire. There were just portions filled in, not all the wetlands. Portions where the road was going to be extended were filled in as part of the first phase of the Devonshire pursuant to those permits. The wetlands on Lot 2 were field staked by a biologist in 2002 and approved by the DNR on January 21, 2003. Prior to the development of Lot 2, the wetlands will need to be re-verified and likely re-delineated.

The trees that are shown on the CSM to be removed are the same trees that were identified and approved to be removed pursuant to the preliminary plat for Devonshire Subdivision. These trees are proposed to be removed when Lot 2 is developed at the cost of the developer of Lot 2. The west 25 feet of Lot 1 identifies that the trees are in a Dedicated Tree Preservation and Protection, Access and Maintenance Easement pursuant to the preliminary plat for the Devonshire Subdivision are to be protected. This entire 25 foot wide easement area shall remain undisturbed. Language will be placed on the CSM which describes the penalties for the removal of any healthy trees within this easement.

The petitioner is requesting the deferment of the public improvements in 93rd Street and Cooper Road extension south until Lot 2 is developed. Language shall be placed on the CSM that describes that it the developer of 2 who is responsible for the design and construction of the Cooper Road and 93rd Street/Cooper Road roundabout required public infrastructure improvements.

The existing home on Lot 1 will be required to connect to both municipal water and municipal sanitary sewer. Both municipal services are available in 93rd Street. According to the Village records, the house is currently not connected to municipal water; however since the house has been vacant for more than a year and the land division is proposed, the Village will require the house to be connected to water and pay any deferred assessments that may be due. In addition, any outstanding taxes or special assessments shall be paid prior to recording the CSM.

The Village will accept the Cooper Road right-of-way dedication; however, the owner shall be responsible for any of the property taxes and special assessments associated with Lot 2 and the dedicated right-of-way areas.

And, lastly, on July 15, 2013, the Village initiated the change of an official address 5029 93rd Street which is for the western most house that's on Lot 1 to be changed to 5149 93rd Street because it is out of order for sequencing. That address change was approved by the Village Board and will become effective on August 15, 2013.

Village staff does recommend approval of the certified survey map subject to the comments specified that I just read into the record and the conditions outlined in the staff memorandum.

Tom Terwall:

Is there anybody wishing to comment on this matter? Anybody wishing to comment? Now I'm going to open it up to Commissioners and staff.

Michael Serpe:

One question for you, Peg. I'm in favor of this whole thing including the roundabout. But what if the roundabout doesn't take place for some reason or another?

Peggy Herrick:

Then this will probably be a [inaudible] situation and that would be [inaudible].

Michael Serpe:

Is it going to make any difference with any driveway access, any of that we just talked about?

Mike Spence:

If it would revert to a controlled intersection with a signal generally the roundabout requires a little more right of way. So until the time that everything's designed there could be a need for turning lanes or whatever. But I think my understanding would be that the right-of-way that's being dedicated would be sufficient if a roundabout wasn't installed in the future.

Michael Serpe:

For the south side of 93rd. I'm thinking what if we have problems with the north side?

Mike Spence:

At that point if there was additional right-of-way needed then we'd have to go back or we'd have to look at acquisition on the north side. I think what we'd most likely try to do is get the geometrics so that wouldn't be required. But until we actually do the design it's hard to say for sure.

Tom Terwall:

Any other comments?

John Braig:

One more. I think Mike's concern is very valid, because on both the northeast and the northwest corners of this intersection there's housing right tight on the lot, and if they take any of the land involved you're going to have pavement up almost against the house. So I would think the whole intersection if it was to become a roundabout would have to be moved somewhat south if that's possible.

Mike Pollocoff:

If the Commission things back, when the Devonshire Subdivision was originally approved we had engineered a roundabout for that intersection that didn't require that much -- it wasn't an addition -- a removal of the corners on the parcels on the north, but it didn't affect the houses, and

it didn't come right up next to the houses either. Because this is not a double lane roundabout, it's a single lane roundabout. So we've done that work to do it.

If we were to come back and I think at the time we did that analysis if we were to make it a signalized intersection we'd still have to put in right turn lanes on 93rd Street going to Cooper Road. And we need to double the lanes on 93rd Street and Cooper Road in that area which would widen out the Cooper Road and 93rd Street at the intersection. So the taking could be greater in the length of the property that you'd have to affect rather than just the corners of it. So we've done this based on the work that was already approved by the Plan Commission to the Devonshire Subdivision.

I have no doubt that the people on the north side of 93rd Street -- they haven't been contacted because we don't know when this is going to happen to go do this. But that will probably be something you could acquire through a negotiated acquisition. But if at that point Cooper Road goes through and there's going to be that much more traffic on it at that point the Village would have to step in and assist to get that acquired. To change it away and go back to a regular controlled intersection is going to require more land in a different way.

John Braig:

There's no question that Cooper is going to pick up a lot of traffic between 39th and Old Green Bay Road. Cooper Road is the only route.

Michael Serpe:

I move approval.

John Braig:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JOHN BRIAG TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE 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.

7. ADJOURN.

John Braig:

Move adjournment.

Michael Serpe:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We're out of here.

Meeting Adjourned: 6:16 p.m.