

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
March 10, 2014**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on March 10, 2014. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; John Braig; and Bill Stoebig (Alternate # 1). Judy Juliana and Andrea Rode (Alternate #2) 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 FEBRUARY 10, 2014 PLAN COMMISSION MEETING.**

Don Hackbarth:

So moved to approve.

Michael Serpe:

Second.

Tom Terwall:

**MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE TO APPROVE THE MINUTES OF THE FEBRUARY 10, 2014 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 you're here for Items A through C which are matters for public hearing, we would ask that you hold your comments until the public hearing is held so your comments can be included as part of the official record. However, if you wish to discuss an item that is not a matter for public hearing or if you want to raise a question about an item 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. Is there anybody wishing to speak under citizens' comments?

**6. NEW BUSINESS**

**A. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Section 420-81 A related to residential fence requirements.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, before you is a request for a zoning text amendment specifically to amend Section 420-81A related to residential fence requirements. On January 13, 2014, the Village Plan Commission adopted Resolution #14-01 to initiate an amendment to the Village Zoning Ordinance to re-evaluate the fence requirements. And this is related specifically to the placement of the good side of the fence to the neighboring property.

In reviewing ordinance requirements for nearby communities such as the City of Kenosha, the Village staff is recommending that we follow suit to some of our neighboring communities and that we amend Section 420-81A by considering a new subsection. And basically the two subsections (14) and (15) the first reads all structural and support components of a fence shall face away from adjacent properties. And, (15) fences shall be installed with the finished side facing the adjacent property or public right-of-way. In other words what this means is that the good side is facing out. With that I would like to continue the public hearing.

Tom Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Seeing none, I'll open it up to comments.

Michael Serpe:

Public hearing is closed?

Tom Terwall:

Yes.

Michael Serpe:

Question for you, Jean. You have a parcel that abuts an open field and there's not going to be any development on that field are we still going to force that person to put the good side out?

Jean Werbie-Harris:

Well, first of all in Pleasant Prairie we never say never since development is always impending and we do have a land use plan that identifies the various land uses. But, yes, the requirement would be that the good side faces out because the general public could view it, it could be an adjacent street, a walkway, a trail. It could be any other type of facility like that that the public could see that particular area. So, yes, I think that the good side should always face out.

Tom Terwall:

This would not be retroactive then, right?

Jean Werbie-Harris:

No.

Tom Terwall:

So any face that's already up stays up?

Jean Werbie-Harris:

Until they take the fence down. If they take it down entirely then they need to put it back up the opposite direction.

Wayne Koessler:

I think it's a good move because it's aesthetically pleasing to the neighbors and the people on the roads.

John Braig:

On the corner of 85th and 39th Avenue is a dental office. It has one of those dense wooden fences, one [inaudible] facing the dental office. That's a business. I believe the fence might be on the dental office property. Does this ordinance pertain only to residential fences?

Jean Werbie-Harris:

It does.

John Braig:

So a business could have a fence on their property with the decorative facing the business?

Jean Werbie-Harris:

Right. But as part of our site and operational plan review process, again, that particular dental office came into effect before we had those regulations. Through the site and operational plan process the Village Plan Commission and the staff could require that the fence face a certain direction as part of that approval.

John Braig:

What would be your --

Jean Werbie-Harris:

Or have a double facing fence.

John Braig:

Double facing you'd want?

Jean Werbie-Harris:

Yes.

Don Hackbarth:

That's the point I was going to make. You could probably add another (16) on here and say that unless the fence is a double face, the beautiful side on both sides.

Jim Bandura:

Board on board.

Don Hackbarth:

Board on board on both sides because then --

Jean Werbie-Harris:

Then it meets number 15 because the finished side is facing the outside and the finished side could be facing the inside.

Tom Terwall:

Anything else?

John Braig:

Move approval.

Wayne Koessl:

Second, Chairman.

Tom Terwall:

**IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THIS AMENDMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**B. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Section 420-48 J related to traffic, parking and access provisions for building setbacks to fire lanes.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a consideration of a zoning text amendment and public hearing this evening, and this is to Section 420-48J. It's related to traffic, parking and access provisions for building setbacks to fire lanes. On February 10, 2014, the Plan Commission adopted Resolution #14-06 to initiate an amendment to the Village Zoning Ordinance to re-evaluate the traffic, parking and access zoning provisions as it relates to fire lane setback regulations.

The Village staff is recommending that the following amendment to section 420-48 J be approved and would read as follows: J. Fire lanes. All required fire lanes shall be all-weather, paved surface roadways with a minimum width of 30 feet and setback at least the maximum height of the building adjacent to the fire lane, but not too exceed 50 feet from the building, unless otherwise approved by the Fire and Rescue Chief.

There was some misunderstanding that the Fire Chief and the fire department thought this provision was already in the zoning ordinance this way. And there had been a lot of discussion about it, but it had never actually been placed in the zoning ordinance. So we're trying to clarify and to make sure that it's very clear what the provisions are with respect to setbacks of the fire lane in relation to the building. This is a public hearing.

Tom Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up to comments. Yes, Mike?

Michael Serpe:

What does this do, Jean, to buildings that we've approved at the lesser distance.

Jean Werbie-Harris:

It really doesn't do too much because this is the provision that had been enforced by the previous Chief and this Chief all the way up to this point. And finally someone had asked the question where is it in the ordinance, let's clarify it. And when we went to the ordinance we found that even though we had been interpreting it and enforcing it a certain way and everyone had agreed to it, it was really not clear with respect to being in the ordinance. So I'm not sure that we have too many. But there is a last provision there that says unless otherwise approved by the Fire and Rescue Chief. So there might have been one or two but I can't think of too many because that was pretty much a standard with the previous Chief and with the current Chief.

Mike Pollocoff:

This may be short circuited somewhat since the State is looking at eliminating or minimizing fire standards for buildings.

Michael Serpe:

I move approval of the zoning text amendment.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURATO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENT AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Section 420-131 T (2) (e) to clarify regulations related to 100-year floodplain boundary adjustments.**

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 Section 420-131T (2)(e) to clarify the regulations related to the 100 year floodplain boundary adjustments. On February 10, 2014, the Village Plan Commission adopted Resolution #14-07 to initiate an amendment to the Zoning Ordinance. This amendment would be to specifically modify the floodplain regulations in order to clarify that the flood storage capacity may be compensated within an existing or newly created floodplain as part of that adjustment.

So specifically as part of that particular paragraph, paragraph (e) reads: Whenever any volume of flood storage capacity is removed from the floodplain, as defined by the ground surface and the regional flood elevation, an equal volume of flood storage capacity shall be created within the existing or newly created floodplain boundary, in the vicinity of the removal, to compensate for the lost flood storage capacity. So that's primarily the change just, again, to clarify for engineers and other businesses that are looking to do floodplain boundary adjustments. The same purpose, the intent, regulations and rules are all still part of the ordinance. We send this information also to the Wisconsin DNR since they need to approve any amendments to the floodplain ordinance. And they send an email back on February 27, 2014 indicating that they had no conflicts or concerns regarding our minor amendment to the ordinance. It's just as a point of clarification.

Tom Terwall:

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

Jim Bandura:

Mike Spence, I've got a quick question. How would this affect -- you know there's culverts especially in Chateau, and you've got floodplain boundaries on both sides of the street out there. And the culverts are silting in. And if some point in time the Village decides that we need to replace the culverts how would this affect it or would it? Would it place any restrictions on the Village to fix it?

Mike Spence:

Mike Spence, Village Engineer, 9915 39th Avenue. I don't think it would affect it. What this amendment does is it really clarifies where we allow work in floodplains for comp storage. We used to interpret it as outside of the floodplain area. But as long as we're providing the same volume of flood storage really we're not changing anything. If, in fact, we're doing some work by culverts there's a number of issues that we'd have to deal with including if there's wetlands and so forth. So there's a lot of factors there. I don't know if I answered that, but I don't see that it would affect our ability to do that.

Jim Bandura:

Okay.

Tom Terwall:

Mike, does the Governor need until February on this one, too?

Mike Pollocoff:

I think he'd get a special session for it.

Tom Terwall:

Pardon me?

Mike Pollocoff:

He could probably do a special session on this.

Tom Terwall:

Okay, but it's okay for us to go ahead in the interim?

Mike Pollocoff:

In the interim.

Tom Terwall:

Anything further?

Wayne Koessl:

Mr. Chairman, I move we send a favorable request to the Village Board to approve.

Jim Bandura:

Second.

Tom Terwall:

**MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.



- D. Consider the requests of Stacey Wendt and Delbert and Sandra Wendt owners of the property located at 2028 and 2020 89th Place for approval of a Lot Line Adjustment between their properties and the property to the north located at 8911 22nd Avenue owned by Ronald Macik and Lanette Allen.**

Jean Werbie-Harris:

Specifically Mr. Chairman and members of the Plan Commission, the property owners you just mentioned are looking for a lot line adjustment between their properties and the property to the north which is located at 8911 22nd Avenue which is owned by Ronald Macik and Lanette Allen. So in looking at the overhead the property is located at 2028 89th Place identified as Tax Parcel 93-4-123-183-0021 owned by Stacey Wendt, and 2020 89th Place identified as 93-4-123-183-0020 owned by Delbert and Sandra Wendt Revocable Trust are proposed to be adjusted with the property to the north at 8911 22nd Avenue which is identified as Tax Parcel 93-4-123-183-0010 owned by Ronald Macik and Lanette Allen.

Specifically, 28.25 feet is being removed for the Macik and Allen lot and added to the rear of the Stacey Wendt and Delbert and Sandra Wendt lots resulting in an increased depth for both of the Wendt properties. All properties are zoned R-6, Urban Single Family Residential District, which requires lots to be a minimum of 6,000 square feet. After the adjustment all lots will continue to meet the minimum lot area of the R-6 District. The Lot Line Adjustment will comply with the requirements set forth in the Village's Zoning Ordinance and Land Division and Development Control Ordinance. The Village staff recommends approval of the lot line adjustment subject to the petitioners recording the proper transfer documents with the plat of survey for the lot line adjustment as an exhibit with the Kenosha County Register of Deed's office within 30 days of the Village's final approval.

Tom Terwall:

Are any of these three lots developed now?

Jean Werbie-Harris:

I think they all have homes on them.

Sandra Wendt:

[Inaudible] my daughter at 2028 89th and we're 2020.

Jean Werbie-Harris:

Could I have you come to the microphone, Mrs. Wendt? Could I have you come up to the microphone so we can just get you on the record.

Tom Terwall:

Give us your name and address for the record would you please, ma'am?

Sandra Wendt:

Sandra Wendt, 2020 89th Place. And we're asking for the extra 28 feet. Stacey lives at 2028, single family dwelling, two story house. Delbert and I live at 2020 89th Place, single family dwelling, two story home.

Tom Terwall:

And the lot that's giving up the 28 feet is there a residence on that property as well?

Sandra Wendt:

No, that all belongs to Ron Macik and Lanette Allen.

Jean Werbie-Harris:

There actually is a house on it, but as you can see by the aerial it sits further back.

Sandra Wendt:

Because they're on 22nd. We're on 89th Place. So the land really faces -- on the north side faces 89th Street.

Tom Terwall:

Any comments or questions?

Don Hackbarth:

Just a quick question. What was the size of the lot before the addition, how many square feet?

Jean Werbie-Harris:

120 by 100 so 12,000 square feet. Actually right between the 2, between R-4 and R-5.

Tom Terwall:

What's your pleasure, gentlemen?

Don Hackbarth:

Move approval.

John Braig:

Second.

Tom Terwall:

It's been moved by Don Hackbarth and seconded by John Braig to send a favorable recommendation to the Village Board to approve the lot line adjustment as presented. 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:

**MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO ADJOURN. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**Meeting Adjourned: 6:18 p.m.**