

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
June 23, 2014**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on June 23, 2014. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Andrea Rode (Alternate #2); Jim Bandura; John Braig; Judy Juliana; and Bill Stoebig (Alternate #1). Wayne Koessl was excused. Also in attendance were Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE JUNE 9, 2014 PLAN COMMISSION MEETING.**

Jim Bandura:

Move for approval.

Judy Juliana:

Second.

Tom Terwall:

MOVED BY JIM BANDURA AND SECONDED BY JUDY JULIANA TO APPROVE THE MINUTES OF THE JUNE 9, 2014 PLAN COMMISSION AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**

Jean Werbie-Harris:

The only item I have is to let the Plan Commissioners know that we have a ribbon cutting for the park and ride lot, and that is July 7th at one o'clock at the park and ride lot so we would encourage the Plan Commissions to attend.

5. CITIZEN COMMENTS.

Tom Terwall:

If you're here tonight for an item that appears on the agenda as an item of a public hearing we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as a part of the official record. However, if you're here for an item that is not a matter for public hearing we'd ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak?

5. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT for the request of Berwick Properties, Inc. owner of the properties located at 9000, 9020 and 9080 76th Street known as Prairie Ridge Market Place to amend the Prairie Ridge Planned Unit Development to remove the requirements that all wall signs shall be Cardinal Red (color #3M3630-53) except for a logo as approved by the Zoning Administrator.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is a public hearing in consideration of a zoning text amendment for the request of Berwick Properties, owner of the properties located at 9000, 9020 and 9080 76th Street known as Prairie Ridge Market Place to amend the Prairie Ridge Planned Unit Development to remove the requirements that all wall signs be Cardinal Red except for a logo as approved by the Village Zoning Administrator.

On May 15, 2000, the Board adopted an Ordinance 00-43 to create the Prairie Ridge PUD and as amended on July 16, 2007 by Ordinance 07-28. It allowed for specific sign requirements for Prairie Ridge Market Place located at 9000, 9020 and 9080 76th Street and allowed for nonresidential development identification signs to be located within the dedicated entry monument easement to include the names of commercial businesses within Prairie Ridge commercial area north of Prairie Ridge Blvd.

At this time the owners of development known as Prairie Ridge Market Place on Outlot 19 in the Prairie Ridge Subdivision are requesting to amend the Prairie Ridge PUD to remove the requirements that all wall signs shall be the same color, the cardinal red that was identified, except for the logo as approved by the Zoning Administrator.

Specifically Section d. ii (2) (i) and (j) as originally written in Section 420, Attachment 3, Appendix C 1 specified PUD 1 entitled Prairie Ridge PUD are being deleted. In addition, after further review Village staff also recommends that items (f) and (h) be modified and item (l) be added as shown below to conform with the Village current wall sign requirements.

So the areas that are highlighted reading down below, item (f) has been modified: all wall signs shall be internally illuminated or halo-type illumination. The following types of signs/sign

illumination shall not be permitted unless approved by the Village Zoning Administrator on a case-by-case basis, including, but are not limited to external neon outlining illumination or background painting of the building façade. And then (h) is being modified. Only channel-type or pin-mounted letters with the also modification of now sign raceways are allowed and no visible electrical crossovers are allowed.

And item (l) is modified to read all exterior building walls/facades where former signage was placed shall be patched and/or repaired. And I've added in and repainted as needed as a condition of any new wall sign permit approval. All exterior building walls/facades shall be maintained in a state of good repair at all times. This is a matter for public hearing, and I'd like to continue the public hearing at this time.

Tom Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff. Would you care to make a motion to send a favorable recommendation to the Village Board.

Michael Serpe:

So moved.

Don Hackbarth:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY DON HACKBARTH TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE AMENDMENT AS INDICATED IN THE ATTACHED COMMENTS AND IN THE VOICED COMMENTS AS CITED BY THE ZONING ADMINISTRATOR. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND TEXT AMENDMENTS for the request of Ann Rhey on behalf of Extended Love Investments Properties LLP, owner of the property located at 9191 80th Street to rezone the property from I-1, Institutional District to I-1 (PUD), Institutional District with a Planned Unit Development Overlay District; and to amend the Prairie Ridge Planned Unit Development to allow Extended Love to place their

name on the off-site entry monument sign within the Prairie Ridge Development adjacent to STH 50.

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 at the request of Ann Rhey on behalf of Extended Love Investments Properties LLP, owner of the property located at 9191 80th Street, and that's in the Prairie Ridge Development, to rezone the property from I-1, Institutional District, to I-1 (PUD), Institutional District with a Planned Unit Development Overlay District; and to amend the Prairie Ridge Planned Unit Development to allow Extended Love to place their name on the off-site entry monument sign within the Prairie Ridge Development adjacent to Highway 50.

At this time the owners at 9191 80th Street or the Extended Love Daycare facility located on Outlot 12 in the Prairie Ridge Subdivision is requesting a Zoning Map Amendment to rezone their property from the I-1 to the I-1 (PUD) District and a zoning text amendment to amend the Prairie Ridge PUD to include Extended Love's property within the PUD to allow them to add their name to the entrance markers located on the dedicated entry monument easements in the boulevard of Prairie Ridge Boulevard between 88th and 104th Avenues within the development.

Again, their property is located as shown on with the star which is just to the south/southwest of St. Anne in Prairie Ridge. And the purpose of their request is to have a little more visibility with respect to their name recognition along Highway 50. When we drafted the initial signage PUD for this area only those commercial areas north of Prairie Ridge Boulevard were identified to be allowed on these entry markers. Now with the Cobblestone Development nearing its completion immediately north of them and eventual further development even north of that it will be much harder to physically see them from Highway 50. So for that reason they're asking for this recognition on the monument signage right along Highway 50.

And the way the PUD is currently written, again, only those north of Prairie Ridge Boulevard can be on this sign. And so specifically they are requesting as part of the ordinance to have the PUD amended so that it would allow those uses in an Institutional District to also be identified and located on this particular sign. With that, the staff would like to continue the public hearing. All of the information that is shown in the staff comments that talks about nonresidential development identification signs is really for your information, and these are the rules and regulations for these signs. Again, they meet these regulations, they're just requesting to be one of those uses that's allowed to be on the entry marker.

Tom Terwall:

This is a matter for public hearing. Is anybody wishing to speak on this matter? Anybody wishing to speak? Mr. Serpe, do you have anything?

Michael Serpe:

I don't object to this, but the Extended Love facility is quite a distance from the signage. You know what I'm saying? It's a long way away.

Jean Werbie-Harris:

Yes, but it's part of the Prairie Ridge Development, and it's straight south of either 91st or 94th Avenues. And so that's why we've identified that any of those uses that are somewhat commercial in nature that's why we felt that it would be appropriate to allow them to be on the sign.

Don Hackbarth:

The only concern I have is that when you drive by there the lettering is pretty small.

Jean Werbie-Harris:

Well, that's as big as it can get because everyone is allowed the one line. It's up to them if they want to try to get any additional, but there's only three more sign panels left, and there are a number of other opportunities for commercial development north of Prairie Ridge Boulevard.

Don Hackbarth:

When you don't have light drive by and see if you can read it.

Tom Terwall:

Any further questions or comments? Seeing none, I'll entertain a motion.

Andrea Rode:

I move to approve.

Tom Terwall:

Is there a second?

Michael Serpe:

Second.

Tom Terwall:

MOVED BY ANDREA RODE AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE A ZONING MAP AND TEXT AMENDMENTS 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 approval of an Assignment of Development Agreement for a Development Agreement originally entered into between the Village and King's Cove, LLC in April 2006 and being assigned to Thomas Interests, Inc. who is the owner of Lots 1, 3, 4, 5, 6, 7, 8, 10 and 11 of the King's Cove Subdivision and who will be completing the development pursuant to the Development Agreement.**

Jean Werbie-Harris:

Mr. Chairman, I would ask that Items C, D, E and F be brought up at one time and I'll be making one presentation with separate action taken by the Village Plan Commission.

John Braig:

So moved.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO COMBINE ITEMS C, D, E AND F FOR DISCUSSION PURPOSES BUT VOTE SEPARATELY. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- D. Consider the request of Gary Thomas, agent for Thomas Interests, Inc., for approval of Final Plat Amendments to the King's Cove Subdivision related to access restrictions, vacation of 115th Street, amendments to the Dedication and Easement Provisions and Restrictive Covenants on the Final Plat.**
- E. Consider the request of Gary Thomas, agent for Thomas Interests, Inc., for approval of the First Amendment to the Declaration of Restrictions, Covenants and Easements for the King's Cove Subdivision.**

F. Consider the request of Gary Thomas, agent for Thomas Interests, Inc., for approval of Lot Line Adjustment including revised Grading Plan for Lots 3, 4 and 5 of the King's Cove Subdivision.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, we have four items before you regarding the King's Cove Development. The first is an assignment of the development agreement. Again, this was originally entered into between the Village and King's Cove, LLC in April of 2006, and it's being assigned to Thomas Interests, Inc., who is the owner of Lots 1, 3, 4, 5, 6, 7, 8, 10 and 11 of the King's Cove Subdivision and who will be completing the development pursuant to the original development agreement.

Item D also the request of Gary Thomas of Thomas Interests, and this is for final plat amendments to the King's Cove Subdivision related to access restrictions, the 115th Street connection being removed or that vacation that took place, as well as amendments to the dedication and easement and restrictive covenant language on the plat.

Item E also the request of Thomas Interests, Inc., and this is for the first amendment to the declaration of restrictions, covenants and easements for King's Cove. And, finally, Item F at the request of Thomas Interests, Inc., for the approval of a lot line adjustment including revised grading plan, and this is for Lots 3, 4 and 5 of the King's Cove Subdivision. As I indicated, these items will be discussed at one time and separate action will be needed by the Plan Commission.

The King's Cove Subdivision was platted by King's Cove, LLC in 2006. The required subdivision improvements pursuant to the development agreement have not yet been completed for all of the lots, namely 1, 3, 4, 5, 6, 7, 8, 10 and 11. These lots were transferred by Sheriff's deed to the Bank of Kenosha in 2011. The Village had been working with the bank for several years related to completing the remaining public improvements and making modifications to the grading of the lots as a result of a recent floodplain study done along the Tobin Creek.

The Bank received approval on October 15, 2012 from the Village Board for the discontinuance or vacation of a portion of 115th Street. Again, that's an east/west road. North is actually facing west in this case, so it's an east/west road stubbed just west of 18th Avenue which was designated as a public right-of-way on the final plat of the King's Cove Subdivision. But the 116th Street roadway was never constructed as part of the development as it was determined through a recent floodplain study that the land within and adjacent to 115th Street fell within the 100-year floodplain. In addition, municipal sewer, water, storm sewer infrastructure was never constructed within that 115th Street, and it's unlikely that any development could have occurred because of the floodplain just west of 115th Street. So for that reason it was vacated by the Village Board.

In addition, the right-of-way was actually split and then transferred to the lots on either side, so Lots 3 and 4 each gained an additional 33 feet. At this time Lots 1, 3, 4, 5, 6, 7, 8, 10 and 11 of the King's Cove Subdivision have been purchased by Thomas Interests. I believe it was in December of last year. He's intending to complete the remaining public improvements and make modifications to the grading of the lots as a result of the floodplain study. The completion of both public and private improvements and the modifications requested require the Village's

approval. And, again, these include the assignment of the development agreement, amendments to the plat, amendments to the declarations, a lot line adjustment and a revised grading plan.

With respect to the assignment of development agreement, the attached assignment for King's Cove needs to be finalized and executed prior to work commencing on the remainder of the improvements within the development. The developer is also required to supplement the existing cash on deposit with additional funds to complete these grading improvements as well as any other public improvements. As the new owner/developer for the King's Cove Subdivision, Thomas Investments will be financially responsible to complete the outstanding improvements for the subdivision. Cash on deposit or a letter of credit shall be provided to the Village to ensure there are adequate funds to complete the remaining outstanding public improvements. And we've put together a cost breakdown analysis to break that all down for the developer.

The following improvements pursuant to the agreement need to be completed: A final lift of asphalt on the public road which includes removal and repair of curb and gutter, interim inlet adjustment, base patching, adjusting manholes and installing chimney seals, adjusting water valves, milling the existing curb line asphalt ramp, installation of street trees, abandoning and capping sewer and water stubs in that vacated 115th Street, televising and lot survey certification.

With respect to the revised grading plan and lot line adjustment, Lots 3, 4 and 5 are proposed to be regraded as a result of 115th Street. Lots 3 and 4 are proposed to be 20,551 square feet with 157 feet of frontage on 18th Avenue, and Lot 5 is proposed to be 19,548 square feet with just over 142 feet of frontage on 18th Avenue.

All lots meet the minimum requirements in the R-4 District, Urban Single Family Residential District, And they need just to be a minimum of 15,000 square feet with 90 feet of frontage. So the lot line adjustment complies with all the requirements of the Village's Land Division and Development Control Ordinance.

The revised grading plan that has been reviewed and approved by the Village Engineering Department includes Lots 3, 4 and 5. It shows where the 100-year floodplain would be adjusted to within the storm water drainage access and maintenance easements along the rear inside property lines. As noted the 100-year floodplain is based on the Tobin Creek Floodplain Evaluation. And this has been prepared by R.A. Smith National on May 12, 2009. The floodplain in the project area is unofficial since it's not been formally filed, but the Tobin Creek Floodplain Evaluation is the best available information, and so we do want the development to follow this detailed engineering work that has been done for this area.

A separate illustration and legal description stamped by a Wisconsin registered land surveyor has been provided and is attached as part of an exhibit to a storm water drainage access and maintenance easement that has been prepared. This easement will need to be executed and recorded at the Deed's office for Kenosha County.

The developer intends to build the houses on Lots 3, 4 and 5 and bring the elevations to grade as shown on the revised grading plan as homes are built, using the fill generated by excavations for the basements and bringing in additional fill as needed to achieve the required grade. Upon completion of the grading, a topographic survey shall be completed by a Wisconsin RLS, and the

grades need to be certified. The developer has indicated that he will contact the owner also of the home on Lot 2 which is just to the south to see if there's any changes that need to be made to his swale in his rear yard or his west yard.

With respect to final plat amendments, as a result of the revised grading plan and adjustment to the lots and the new stormwater easements there are some changes that need to be made to the final plat. An affidavit of amendment to the plat will need to be provided for execution. And, again, this involves removal of some of the easements as well as restrictions and covenant language. Again, that does need to be modified not only as a result of the lots being modified but as a result of that street vacation of 115th Street.

In addition, there's an access restriction being revised to prohibit access from Lots 1 and 2 to 116th Street. And that the driveway access to 18th Avenue for Lots 1 and 2 to be a minimum of 100 feet from the center line of 16th Street. So with that there are also some modifications to the first amendment to the declaration of restrictions, covenants and easements for the King's Cove Subdivision. This has to do with lot sizes as well as easements and all of the same things that we referenced previously. Again, it's very important that the declarations, the plat, the lot line adjustment that every document that's recorded to the King's Cove Subdivision be consistent. And so for that reason all these documents need to be amended at the same time and recorded at the same time. So with that the petitioner, Mr. Thomas, is here if there's any questions as well as his engineer if there are any other details or questions that you need to have answered.

Tom Terwall:

Mr. Thomas, is there anything you want to add? Give us your name and address, sir.

Gary Thomas:

My name is Gary Thomas. I live at 9296 Creekside Circle here in Pleasant Prairie. I think we've got it all covered. I spoke with Jean earlier today. My attorneys were reviewing the documents for the assignment of the development agreement. And so as soon as we get that done we will get the little details put together and get back with Jean on that. Just want to say I look forward to working with the Village of Pleasant Prairie. Since '06 it looks like it needs to be completed.

Tom Terwall:

We look forward to it, too. Thank you very much.

Michael Serpe:

I have a question of Jean. On the developer agreement when we require a certain cash deposit to be made how is that figure arrived at?

Jean Werbie-Harris:

Well, for the work that's being completed that involves immediate contractor work we've got an actual bid proposal, and that is part of that that is made up. The second is the Village Engineer puts together contractors' estimates or engineers' estimates I should say for the work to be

completed. That estimate work is checked by the contractor's engineer as well as our engineer or in this case Mr. Thomas. And so that is put in there. In addition there's any type of inspection or field staking that's done by the Village, that estimate is put in, as well as a contingency for any overages that might be involved.

Michael Serpe:

Okay. And the reason I ask -- I'm glad we're seeing development take place. I mean 2008 hit and many developments got buried. But a couple of them we seem to come up short on the amount of cash that we had on hand to finish some of these improvements, and it causes some problems.

Jean Werbie-Harris:

And, again, this is not unlike that. There's an amount of cash on deposit, but when it went through its bankruptcy and Sheriff's sale there just wasn't enough money in the letter of credit. And that developer was gone, and the bank if they would have continued through the process and done the development out there they would have had to post additional funds with the Village either through cash on deposit or a letter of credit. But [inaudible] were going to change hands with that particular bank as well. So what happened that's when Mr. Thomas stepped in, and he saw an opportunity and he took that opportunity. He knows that he has to post the correct amount of funds in order to complete the development. Again, 2006 to 2014 I mean that's eight years. Prices and things have changed considerably in that time period. I mean we've learned a lot especially with the economy with respects to projects moving forward at this point.

Michael Serpe:

Thanks, Jean.

Tom Terwall:

Any other comments or questions? If none, I'll entertain a motion to send a favorable recommendation to the Village Board for approval of the assignment of development agreement.

Don Hackbarth:

So moved, Mr. Chairman.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY DON HACKBARTH AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD FOR THE ASSIGNMENT OF DEVELOPMENT AGREEMENT 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. Now we need a motion to send a favorable recommendation to the Village Board for approval of the final plat amendments for King's Cove Subdivision.

Judy Juliana:

So moved.

John Braig:

Second.

Tom Terwall:

MOVED BY JUDY JULIANA AND SECONDED BY JOHN BRAIG TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE FINAL PLAT AMENDMENTS FOR KING'S COVE SUBDIVISION 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. Now a motion to send a favorable recommendation to the Village Board to approve the first amendment to the declaration of restrictions, covenants and easements.

Michael Serpe:

So moved.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD FOR APPROVAL OF THE FIRST AMENDMENT TO THE DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS FOR THE KING'S COVE SUBDIVISION 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. And, finally, a motion to the Village Board recommending approval of the lot line adjustment.

Andrea Rode:

So moved.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY ANDREA RODE AND SECONDED BY JIM BANDURA TO SEND A RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE LOT LINE ADJUSTMENT INCLUDING THE REVISED GRADING PLANS FOR LOTS 3, 4 AND 5 OF THE KING'S COVE SUBDIVISION 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?

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

Meeting Adjourned: 6:26 p.m.