

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39th AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
FEBRUARY 23, 2015**

AGENDA

1. Call to Order.
2. Roll Call.
3. Consider the minutes of the January 26, 2015 Plan Commission meeting.
4. Correspondence.
5. Citizen Comments.
6. New Business.
 - A. **PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT** to Section 420-137 C and E of the PUD, Planned Unit Development Overlay District to clarify what items may be modified and included in a specific PUD Ordinance.
 - B. Consider the request of Walter and Mollie Wiesztort for a **Lot Line Adjustment** between their property at 4122 93rd Street and the property to the north located at 9261 42nd Avenue owned by Brian and Angeline Kielar.
7. Adjourn.

It is possible that members and possibly a quorum of members of other governmental bodies of the municipality may be in attendance in the above stated meeting to gather information; no action will be taken by any other governmental body except the governing body noticed above.

The Village Hall is handicapped accessible. If you have other special needs, please contact the Village Clerk, 9915 39th Avenue, Pleasant Prairie, WI (262) 694-1400.

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
February 9, 2015**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on February 9, 2015. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Deb Skarda (Alternate #2); Jim Bandura; John Braig; Judy Juliana; and Bill Stoebig (Alternate #1). Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; 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 JANUARY 26, 2015 PLAN COMMISSION MEETING.**

Judy Juliana:

Move to approve.

John Braig:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JUDY JULIANA AND SECONDED BY JOHN BRAIG TO APPROVE THE MINUTES FOR THE JANUARY 26, 2015 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 a matter that appears on the agenda as a matter of public hearing we would ask that you hold your comments until that public hearing is held so we can incorporate your comments as a part of the official record. However, if you're here for any other item that's not on the agenda or just want to raise a question now would be your opportunity to do so. 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 AN AMENDMENT TO CONDITIONAL USE PERMIT #14-06 for the request of Theodore Johnson of TJ Design Strategies, Ltd., on behalf of the Costco Wholesale Corporation under construction at 7707 94th Avenue to amend condition # 3 of Conditional Use Permit #14-06 to change the hours of operation for the gasoline facility from 6:30 a.m.-10:00 p.m. to 6:00 a.m.-10:00 p.m.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, the first item is a consideration of an amendment to conditional use permit 14-06 for the request of Theodore Johnson of TJ Design Strategies, Ltd., on behalf of the Costco Wholesale Corporation which is currently under construction at 7707 94th Avenue. And this is to amend condition 3 of conditional use permit 14-06. And this is to change the hours of operation for the gasoline facility from 6:30 a.m. to 10:00 p.m. to 6:00 a.m. to 10:00 p.m.

As a part of the public hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's requests and they're described as part of the presentation this evening.

Findings:

1. The petitioner is requesting to amend the Costco Wholesale Corporation conditional use permit 14-06 as approved by the Village Plan Commission on July 28, 2014. This is to change the hours of operation for the gasoline facility from 6:30 a.m. to 10:00 p.m. to 6:00 a.m. to 10:00 p.m. Exhibit 1 is a copy of the application, and Exhibit 2 is a copy of the conditional use permit 14-06.
2. The gasoline facility is currently under construction at 7707 94th Avenue. It's identified as Tax Parcel Number 91-4-122-081-0225 and is anticipated to open later this spring when the warehouse also under construction is completed.
3. Costco is requesting this change to be consistent with the new company wide change for their fueling stations to open at 6:00 a.m. rather than 6:30 a.m.

4. The time change request still complies with the regulated hours allowed in the B-2, Community Business District.
5. Notices were sent to adjacent property owners via regular mail on January 22, 2015 and notices were published in the *Kenosha News* on January 26 and February 2, 2015.
6. The petitioner was emailed a copy of this memo on February 6, 2015.
7. According to the Village Zoning Ordinance, the Plan Commission shall not approve a conditional use permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing that the project as planned will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a conditional use permit.

With that, just as a reminder, Costco is under construction in the Prairie Ridge development. Specifically the fueling station is at the southeast corner of 76th Street and 94th Avenue. So it's just to the northwest of the main Costco warehouse facility. There is a representative here if there's any questions. What I'd like to do is continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak in this matter? Anybody wishing to speak? Anybody wishing to speak. Hearing none I'll open it up to comments from Commissioners and staff.

Michael Serpe:

I'd move approval.

Wayne Koessler:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO APPROVE THE CONDITIONAL USE PERMIT MODIFICATION CHANGING THE HOURS FROM 6:30 A.M. AND MAKING IT 6:00 A.M. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Opposed?

Tom Terwall:

So ordered.

Michael Serpe:

How far out are you now on opening?

Jeri Krieg:

Honestly I haven't heard. As of [inaudible].

Jean Werbie-Harris:

I need you to come to the microphone if you're going to respond. Thank you.

Tom Terwall:

Give us your name and address please.

Jeri Krieg:

Jeri Krieg, TJ Design Strategies, 2311 West 22nd Street, Oakbrook, Illinois. Unfortunately I don't know the schedule. I apologize. I know they hope to open early spring. I haven't heard of any delays, so all's good so far.

Tom Terwall:

Is the intent to open the filling station at the same time they open the store?

Jeri Krieg:

Yes, sir.

Tom Terwall:

Okay. So it won't be open earlier?

Jeri Krieg:

I haven't heard of that. They usually do the grand opening and a VIP party beforehand and then it's ready.

Michael Serpe:

Looking forward to it.

Jeri Krieg:

Thank you.

Michael Serpe:

Thank you.

B. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to clarify the definition for Household pets 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 also a public hearing in consideration of a zoning text amendment to clarify the definition for household pets. And this is in Section 420-152 of the Village Zoning Ordinance as it relates to definitions.

On January 12, 2015, the Village Board adopted Resolution #15-01 to initiate an amendment to the Village Zoning Ordinance to clarify that the only type of livestock allowed as a household pet are considered rabbits and that any other animals such as fowl or poultry, goats, pot belly pigs, exotic snakes, large reptiles and other exotic animals not commonly found in residences are not allowed as household pets. There were a couple of words that seemed to be out of place when we originally put the definition together. So this request came from actually our police department that we take a look at the definition and clarify things.

So, again, the definition for household pets, pets household. The words that you can see highlighted in yellow, animals commonly found in residences as pets, such as dogs, cats, songbirds, rabbits, and other small animals, providing that they are not raised or reared for commercial resale or as a source of stable supplement. Household pets shall not include livestock, except for rabbits. In addition, and this is where we kind of split the sentence to make it clear, in addition household pets shall not include fowl or poultry, goats, pot belly pigs, exotic snakes, and large reptiles and other exotic animals not commonly found in residence, and then as determined by the Village Zoning Administrator. So I have the ability to make any interpretations after consulting with the Village Attorney of Village Police Chief. But it just seems to be very clear that we made separate sentences to make it clear as to livestock is not a household pet in Pleasant Prairie. I'd 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? Anybody wishing to speak? Hearing none, I'll open it up to comments. Yes, sir, John?

John Braig:

I guess I'm wondering what the definition of exotic is and whether we really need that word in the definition.

Jean Werbie-Harris:

So we don't have exotic defined in the zoning ordinance, so we use the common dictionary definition for exotic. So when I think of something that's exotic it's unusual, it's not common, it's not customary. So that's what I'm referring to when I say exotic pets. Something that's very unusual and it's not a common type of pet in this particular instance.

John Braig:

I'd have been content with the phrase animals not commonly found in a residence, period.

Jean Werbie-Harris:

It's up to the Plan Commission to make a recommendation whether or not to use the words "exotic animals" in the definition.

John Braig:

I can see where exotic is wide open.

Jean Werbie-Harris:

Again, that language has existed, and it's not new. We didn't put the new words exotic into this definition..

Don Hackbarth:

What about a black widow spider, no?

Tom Terwall:

Or a tarantula?

Don Hackbarth:

Tarantula, something like that?

Michael Serpe:

Why did this come forward in the first place?

Jean Werbie-Harris:

Because there was some confusion in the way it was originally written, because the definition kind of ran as one long sentence. Household pets shall not include livestock. And then it went on to talk about rabbits and pigs. And it went on, and it wasn't clear that pigs were not considered household pets. And the police department wanted it clarified that pigs are considered basically farm animals, not household pets.

Tom Terwall:

Has the Chief seen this language?

Jean Werbie-Harris:

He has and he recommended approval.

Tom Terwall:

Okay, that's good enough for me.

Don Hackbarth:

Is I-94 and 60 in the Prairie?

Jean Werbie-Harris:

No, it is not.

Don Hackbarth:

Okay, because there's that lady up there. Okay, thank you.

Jean Werbie-Harris:

It used to be in the Town of Pleasant Prairie.

Wayne Koessl:

Mr. Chairman, I see nothing wrong with the word exotic. I'll move approval.

Tom Terwall:

Is there a second?

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS IN THE CORRESPONDENCE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Before we adjourn let the record show that the one missing Commissioner has arrived.

Jean Werbie-Harris:

She did call me on the way right before I arrived to say she was going to be here.

Michael Serpe:

Tom, I have one other thing, too. Somebody sent me an email today, and in the email, and I don't know where it came from, it said the top 12 smaller cities in Wisconsin to live -- where did it come from?

Don Hackbarth:

Kumorkiewicz.

Michael Serpe:

Okay. I sent it to Steve, and Pleasant Prairie is number one in the State.

Tom Terwall:

How about that?

7. ADJOURN.

John Braig:

Move adjournment.

Don Hackbarth:

Second.

Tom Terwall:

Moved and seconded to adjourn. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Let the record show it's 6:10 p.m.

- A. **PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT** to Section 420-137 C and E of the PUD, Planned Unit Development Overlay District to clarify what items may be modified and included in a specific PUD Ordinance.

Recommendation:

Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the **Zoning Text Amendment** as presented in the February 23, 2015 Village Staff Report.

VILLAGE STAFF REPORT OF FEBRUARY 23, 2015

CONSIDERATION OF A ZONING TEXT AMENDMENT to Section 420-137 C and E of the PUD, Planned Unit Development Overlay District to clarify what items may be modified and included in a specific PUD Ordinance.

On January 26, 2015 the Village Board adopted Resolution #15-05 to initiate amendments to the Village Zoning Ordinance to re-evaluate the Planned Unit Development Overlay District regulations (Section 420-137 of the Village Zoning Ordinance) to clarify that dimensional and design standards may be modified by a PUD but principal, accessory or conditional uses only specified in the underlying district are allowed.

Section 420-17 C and E are proposed to be amended to read as follows (words that are bold and highlighted yellow are added and words in red with a strikethrough are being removed.)

- C. Principal, accessory and conditional uses. Principal, accessory and conditional uses permitted in a planned unit development overlay district shall conform to uses permitted in the underlying basic use district, **except that the PUD Overlay District may prohibit certain permitted principal, accessory and conditional uses specified in the basic use district, as determined by the Village Board.** ~~Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one or more locations within the development.~~
- E. ~~Minimum area requirements: none.~~ **Modifications Allowed. The PUD Overlay District may also modify, with approval of the Village Board, dimensional requirements including but not limited to setbacks, structure height, lot width and area requirements of the underlying basic zoning district. In addition the PUD Overlay District may also modify, with approval of the Village Board other sections of the Zoning Ordinance including but not limited to Traffic , Parking and Access requirements and Sign requirements.**

Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the **Zoning Text Amendment** as presented.

- B. Consider the request of Walter and Mollie Wiesztort for a **Lot Line Adjustment** between their property at 4122 93rd Street and the property to the north located at 9261 42nd Avenue owned by Brian and Angeline Kielar.

Recommendation:

Village staff recommends that the Village Plan Commission send a favorable recommendation to the Village Board to approve the **Lot Line Adjustment** subject to the comments and conditions of the February 23, 2015 Village Staff Report.

VILLAGE STAFF REPORT OF FEBRUARY 23, 2015

Consider the request of Walter and Mollie Wiesztort for a **Lot Line Adjustment** between their property at 4122 93rd Street and the property to the north located at 9261 42nd Avenue owned by Brian and Angeline Kielar.

The properties located at 4122 93rd Street Lot 1 of CSM 2308 and further identified as Tax Parcel Number 92-4-122-144-0131) owned by Walter and Mollie Wiesztort and 9261 42nd Avenue (Lot 3 of CSM 2308 and further identified as Tax Parcel Number 92-4-122-144-0133) owned by Brian and Angeline Kielar Revocable Trust are proposed to be adjusted.

Specifically, four (4) feet is being added to the rear of the Wiesztort lot from the side of Kielar lot. Both properties are zoned R-4, Urban Single Family Residential District which requires lots to be a minimum of 15,000 square feet. After the adjustment both lots will continue to meet the minimum lot area of the R-4 District.

The Lot Line Adjustment and will comply with the requirements set forth in the Village 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 Deeds Office within 30 days of final Village approval.

Plat of Survey for a Lot Line Adjustment

Lots 1 and 3 of Certified Survey Map No. 2308,
being a part of the SE 1/4 of Section 14, T 1 N, R 22 E,
in the Village of Pleasant Prairie, Kenosha County,
Wisconsin.

Legal description of that portion of Lot 3, Certified Survey Map No. 2308 to be conveyed to Lot 1, Certified Survey Map No. 2308

All that part of Lot 3 of Certified Survey Map No. 2308, being a part of the Southeast 1/4 of Section 14, Town 5 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, bounded and described as follows:
Beginning at the Southeast corner of said Lot 3; thence S 87°41' 20" W along the South line of said Lot 3, 93.11 feet to a point; thence N 0°47'40" W, 4.00 feet to a point; thence N 87°41'20" E, 93.08 feet to a point on the East line of said Lot 3; thence S 2°42'22" E along said East line, 4.00 feet to the place of beginning. Said lands containing 372 sq. ft.

New legal description of Lot 1, Certified Survey Map No. 2308

All of Lot 1 of Certified Survey Map No. 2308, and that part of Lot 3 of Certified Survey Map No. 2308, being a part of the Southeast 1/4 of Section 14, Town 5 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, bounded and described as follows:
Beginning at the Southeast corner of said Lot 3; thence S 87°41' 20" W along the South line of said Lot 3, 93.11 feet to a point; thence N 0°47'40" W, 4.00 feet to a point; thence N 87°41'20" E, 93.08 feet to a point on the East line of said Lot 3; thence S 2°42'22" E along said East line, 4.00 feet to the place of beginning. Said lands containing 15,503 sq. ft.

New legal description of Lot 3, Certified Survey Map No. 2308

Lot 3 of Certified Survey Map No. 2308, being a part of the Southeast 1/4 of Section 14, Town 5 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, excepting therefrom that part bounded and described as follows:
Beginning at the Southeast corner of said Lot 3; thence S 87°41' 20" W along the South line of said Lot 3, 93.11 feet to a point; thence N 0°47'40" W, 4.00 feet to a point; thence N 87°41'20" E, 93.08 feet to a point on the East line of said Lot 3; thence S 2°42'22" E along said East line, 4.00 feet to the place of beginning. Said lands containing 16,719 sq. ft.

Prepared for:

Walter R. Wiesztort
4122 93rd Street
Pleasant Prairie, WI 53158

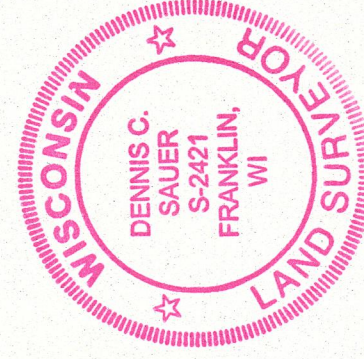
This Lot Line Adjustment Map has been submitted and approved by the Village Board of the Village of Pleasant Prairie on this _____ day of _____, 2013.

THOMAS W. TERWALL Plan Commission Chairperson

JANE M. ROMANOWSKI Village Clerk

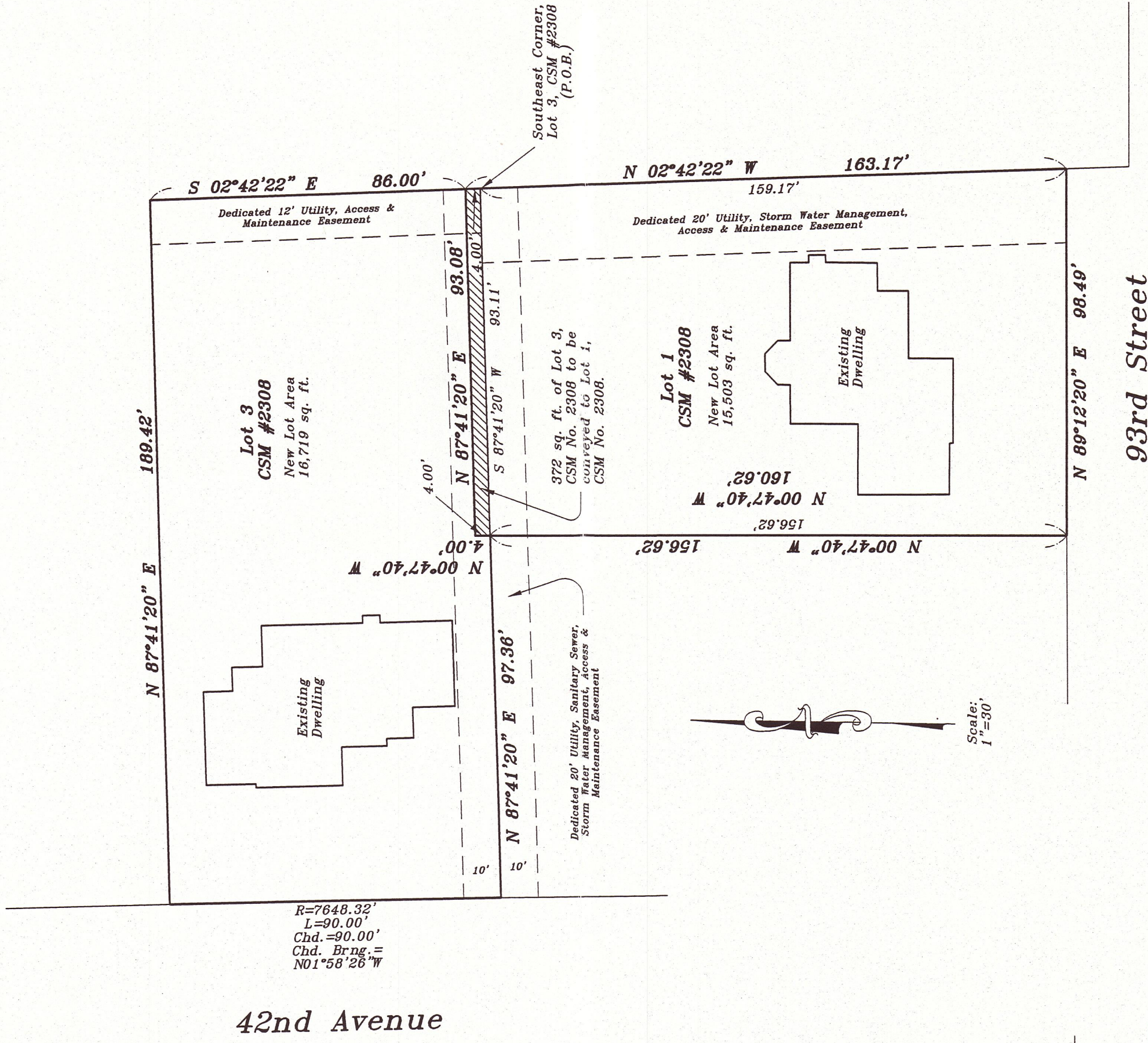
JOHN P. STEINBRINK Village President

METROPOLITAN SURVEY SERVICE, INC.
REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS
5800 Broad Street, Greendale, Wisconsin 53129
PH. (414) 529-5380 FAX (414) 529-8787
email address: survey@metropolitansurvey.com



November 6, 2013

Survey No. 104397



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, THE BOUNDARIES THEREOF, THE BOUNDARY LINES, EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THEREOF WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED

Dennis C. Sauer
Dennis C. Sauer
Registered Land Surveyor S-2421

