

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
May 26, 2015**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on May 26, 2015. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessler; Deb Skarda (Alternate #2); Jim Bandura; John Braig; and Bill Stoebig (Alternate #1). Donald Hackbarth and Judy Juliana were excused. 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 MAY 11, 2015 PLAN COMMISSION MEETING.**

Jim Bandura:

Move for approval.

Wayne Koessler:

Second, Chairman.

Tom Terwall:

**MOVED BY JIM BANDURA AND SECONDED BY WAYNE KOESSL TO APPROVE
THE MINUTES OF THE MAY 11, 2015 MEETING OF THE PLAN COMMISSION 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 an item that's on the agenda that's a matter for 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 to speak on an item that's not a public hearing or you want to raise an issue not on the agenda, now would be your opportunity to do so. We would ask you to step to the microphone and begin with your name and address. Is there anybody wishing to speak under citizens' comments?

6. OLD BUSINESS

A. TABLED PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Mark Eberle, P.E. of Nielsen Madsen and Barber, agent for two (2) proposed multi-tenant retail buildings on the property generally located at the southeast corner of STH 50 (75th Street) and 94th Avenue within the Prairie Ridge development.

Jean Werbie-Harris:

Staff recommends that the Plan Commission take this particular item off the table and discuss it for consideration this evening.

Michael Serpe:

So moved.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY MICHAEL SERPE AND SECONDED BY JIM BANDURA TO REMOVE THIS ITEM FROM THE TABLE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Jean, go ahead.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Item A under Old Business is consideration of a conceptual plan for the request of Mark Eberle from Nielsen

Madsen and Barber, agent, for two proposed multi-tenant retail buildings on the property generally located at the southeast corner of Highway 50 or 75th Street and 94th Avenue within the Prairie Ridge development.

Specifically we are look at Outlot 21's Conceptual Plan this evening, and it's being referred to as thee Bulls-Eye development. The petitioner is requesting approval of a Conceptual Plan for the development of the 2.01 acre site located at the southeast corner of Highway 50 and 94th Avenue, Outlot 21 of Prairie Ridge Subdivision. The Conceptual Plan indicates two retail/restaurant buildings.

Outlot 21 is proposed to be subdivided by a future Certified Survey Map into two parcels as shown on the draft CSM. Lot 1 is proposed to be 1.042 acres, and Lot 2 is proposed to be .969 acre. The proposed restaurant/retail building on Lot 1 is proposed to be 6,280 square feet and will likely be utilized by two tenants. The proposed restaurant/retail building on Lot 2 is proposed to be 7,370 square feet and will likely be utilized by three tenants. The buildings have no direct driveway access from or to Highway 50 or 94th Avenue and will have a single access shared driveway on 76th Street with cross-access through the adjacent property.

So with respect to Outlot 21, the proposed uses, again, Lot 1 retail A, a 4,000 square foot building; restaurant B 2,250 square foot building with fenced outdoor seating. And Lot 2 just to the east restaurant C a 2,400 square foot space; office D would be 2,400 square foot; and finally restaurant E would be 2,400 square feet with a drive through and fenced outdoor seating. So, again, the restaurants are the end caps on both of these, and the one that is the farthest to the east would have a drive through.

So in order for the Village staff to properly evaluate and the Plan Commission to properly evaluate this particular Outlot 21 concept plan, we really felt that it was appropriate in order for us to take a look at all of the vacant land between 91st and 94th Avenues between 76th and 75th Street. And this is all of that vacant land that is just north of Costco.

So under the Master Conceptual Plan for Outlot 21 and Outlot 20 to the east, in order to fully evaluate the infrastructure and the traffic impacts of the Outlot 21 development with the adjacent vacant land, Outlot 20, to the east and their impact on the adjacent 76th Street and 91st and 94th Avenues as well as Costco to the south, an overall Master Conceptual Plan was prepared. The Master Conceptual Plan depicts future development patterns, setbacks, cross-access, parking, drive-through stacking areas, curb and gutter/landscaping areas and the two 76th Street access driveways for both Outlots 20 and 21. And those are located kind of central. So we've got 91st Avenue shared driveway access, shared driveway access and 94th Avenue.

There is an entrance to Costco at this location, but we felt that pushing this over to the west to line up with Costco would not allow for this nice flow moving traffic through the development in order to get to the developments on either side. We really felt in talking with the engineers that putting that access driveway right on the property line really made greater sense from a traffic standpoint and to allow for the greatest amount of parking to be on these particular properties.

As shown on the Master Conceptual Plan it's anticipated that Outlot 20 is also proposed to be subdivided by CSM into two properties so that a multi-tenant retail/restaurant building and possibly another restaurant or retail building could be built. The development of Outlots 21 and 20 show shared driveway access, cross-access and aisle ways, parking and driveways between the

future sites. Two driveway access points, again, coming off of 76th Street, but it does allow for multiple points of connection at the north end of the development as well as the south end of the development between the properties.

One of the things that I just wanted to point out, too, is that due to the potential uses proposed and to accommodate the drive through facilities the most efficient and safest alignment was along the lot lines. And to enter that site at that location was critical for this development and the separation spacing just so you know between the center line of the first driveway and Costco's driveway is about 103 feet. And based on the speed limit and by ordinance it's supposed to be 105 feet. So it's within two feet of what it's supposed to be at.

Outlot 20, again, that's the area that is to the east, and that encompasses this entire area, at this time the concept is building 1 which would be the center building, would be a multi-tenant retail building at 8,130 square feet with a restaurant with a drive through and a fenced outdoor seating of 4,200 square feet. Again, in this case the restaurant is the end cap on the east end which would allow for drive through stacking. And then, finally, the building at this location at this point conceptually is identified as a restaurant of about 8,794 square feet.

The properties, both Outlots 21 and 20, are current zoned B-2 (PUD), Community Business District with a Planned Unit Development Overlay. The existing signage PUD on the property relates to the PUD for the entire Prairie Ridge Development as there were several entry monument signs that were placed along Highway 50 within the Prairie Ridge Development. And this PUD is reflective of those monument signs and the off premise directional signage that they provide.

A separate PUD text amendment will be required for the development of the two properties on Outlot 21 since, first, the lot size will be less than two acres for each of the properties. The community benefits proposed in consideration of the PUD lot size reduction, along with other PUD modifications as discussed in a few minutes will include the requirement that both buildings constructed on Outlot 21 be fully provided with fire sprinklers and that they will comply with Section 410 of the Municipal Code as it relates to the Digital Security Imaging System or the DSIS system, and also will have some enhanced architectural design features and landscaping for the site.

Because The Bulls-Eye project is being planned and constructed as a unified business development, Outlot 21 would require the following PUD modifications:

- To reduce the lot size from that two acres down to Lot being just over 1.042 acres and Lot 2 being .969 acre;
- To reduce the open space from 30 percent to 24 percent;
- To reduce the street setback from 40 feet to 31 feet. And, again, this is prior to any additional right-of-way that may be needed for Highway 50;
- To reduce the side setback between Outlots 20 and 21 to 27 feet rather than a 30 foot setback;
- To allow for a zero foot setback from the interior lot lines instead of the required 10 foot setback to allow for a shared access;
- To allow for a 15 foot setback of the parking lot maneuvering lane from the 76th Street wherein a 20 foot setback is required;

- To allow for reduced side lot line setbacks from 10 to 5 feet. What they're looking to do is at these island locations to put monument signs for this location and a monument sign for this location. And, again, because it is in proximity to these lot lines they would need to have some modifications because the signs will be very close to those lot lines. We do have a provision that a five foot radius of landscaping is required around monument signs. So we need to make sure that it's at least five feet from the lot line in order to accommodate that.

Some of the other things that I've mentioned to them is that primary monument signs abutting Highway 50 that the maximum height that we've allowed is ten feet at this point and a maximum area individually of 130 but preferably somewhere between 90 and 130 just because we have a lot of signage going on Highway 50.

Another modification would be that separation spacing between the Costco drive in as well as the drive access to this location. The ordinance requires 105 feet and 103 feet would be proposed.

And then one of the other things is a possible modification of the square footage for building wall signage. We actually haven't gotten to that level of detail. When we start working with the specific users for these buildings then we will address some of that as it relates to the square footage for wall signage. The one unique thing is that at least this corner building right here has triple frontage. And then all of the other uses have at least double frontage. This one also has triple frontage. We don't want to over sign the buildings, but we do want to make sure that their signage that is visible from the different directions that people would be using to get to the site.

With respect to building architecture, we'll need to have some modifications to the materials, architectural elements and fencing and other details. We'd like to discuss these a little bit further with the developer. There are some things in the staff comments that I have a few concerns, and some of the things that I'd like to address with them with respect to some additional elements to try to tie in Prairie Ridge itself. In each of the outbuildings adjacent to Prairie Ridge there are a few different elements such as the cultured stone and some other things that we used to tie in all of Prairie Ridge, and we want to make sure that some of these elements are brought into this particular set of buildings along Highway 50 as well.

One of the main concerns that we have with this development and we're looking to address and work with the developers on this has to do with parking. While there are no users to be announced at this time, when specific users and tenants are identified, detailed Site and Operational Plans will be required to be submitted for each lot which detail the very specifics to the building size and the parking ratios in order to ensure compliance with Village regulations.

The following are minimum parking requirements for retail uses and restaurant uses. And the reason why we're looking at such a detailed level at a conceptual plan is because we are starting to build out in Prairie Ride. And with that parking is going to become a premium. And each of the uses out there have identified a certain amount of parking that they need for their individual uses. And so the discussion of cross-access parking and the sharing across major streets or easements to get and obtain parking we do need to discuss that in detail because we don't want to have a situation be created where these uses are so popular that we don't have a place for people to park.

So because there's potential that three of these five uses are restaurant uses those are the highest in demand for parking. And a restaurant requires a minimum of one space for each 100 square feet of floor area plus one space for every two employees in the largest work shift. Retail a little bit less, one space for each 200 feet of primary floor area plus one space for every two employees. And then medical and dental require a minimum of five spaces for each doctor plus one space for each employee.

So in addition to these minimum parking requirements, just like how we've analyzed for everyone else out in Prairie Ridge, the required handicapped accessible parking is also required as pursuant to the State code. So we need to have that parking as well. And the Conceptual Plan as shown before you does show only 109 spaces, and that includes the handicapped accessible parking. The parking calculations in the table that they provided does indicate that the site is probably going to be deficient in parking. When using the Village's calculations we come up with closer to 130 spaces which includes the five handicapped accessible. And, again, we are hoping that the restaurant and other uses are very successful, but that means that we need to make sure that there's adequate parking.

The total number of parking provided, again, is 109. And so we do need to work with the developers to figure out what we can do to address that parking shortage. Whether it is to reduce leasable space, to restrict the type of uses that can go in in the buildings here, to require some type of modified offsite agreement and easement for offsite parking for employees. I'm not really sure what that's going to be, and we haven't had a chance to talk through that in detail yet, but that is something that really does need to be addressed.

Actually we had that in one location in the Village, and we did require a cross-access easement parking. And then that next user actually put in the parking for that use. And it really did seem to work in the long run. But we do want to make sure that we're looking at this as a Conceptual Plan at this point. And that original Master Plan Conceptual Plan that you had seen we had looked at numerous iterations of this to try to figure out what would be best in order to maximize the potential of this area. It's not surprising that outlots would be very popular north of the Costco going in. But we want to make sure that there's adequate parking, stacking, queuing, cross-access, all of those things so that the residents and others can get in to utilize these facilities and not get frustrated.

So I'd like to introduce the developer at this time to make any further presentation and to address any of the questions or comments that I might have made.

Tim Dearman:

Thank you, good evening. My name is Tim Dearman. I'm with P3, Oldacre McDonald, LLC based in Nashville, Tennessee. I've been working with Ms. Werbie-Harris here, and I think we've come a long way in terms of aligning the drives, the elevations and things of that nature. We've developed over nine and a half million square feet of retail in about 23 different states. And it's important to us that all of our tenants are very successful. And so as much as the Village is sensitive to parking we're extremely sensitive to it. The last thing we want to have is a center where we've got our tenants calling complaining about parking.

So I do want you all to know that of these five we've got letters of intent and leases working with every state, and they've all signed off on the -- actually we had approval at 99 spaces at one time

with our tenants. And then we reduced the square footage from about fourteen five down to what you see here today. So we brought that down. Every tenant is comfortable based on what their projections are and what their historical needs are for parking. For instance, the tenant that's 4,000 square feet on the end their peak use is about six cars is what they need between staff and customers.

So obviously the restaurant that's shown next to them they benefit from that because they've got a lot more overspill. The 130 was also calculated based on two tenants being in the middle space of the second building. And they're only going to start with one. Maybe year four or five where they grow the business enough to have a second one, but they said that they typically were open with one and that's the projection for this one.

So all that said, and the tenant commitments that we do have everybody is very comfortable and very excited about coming to the Village and very comfortable with the square footage and the layout and the parking configuration that we've got here today. That's really all I had.

Tom Terwall:

Thank you. Should we open it up, Jean? Is anybody else wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Seeing none, I'll open it to comments and questions. Mike?

Michael Serpe:

Just a couple questions. A comment first on parking. I agree parking out there is at a premium right now. It brings back the Olive Garden we had, a discussion that it didn't appear there was enough parking. Oh, it's going to be fine. Nowhere near fine. Everybody out there is doing great, and we're happy about that. My question on restaurant B. The outdoor seating is that like at an intersection of streets?

Tim Dearman:

It's really between two parking stalls, and it's going to be fenced in with an aluminum or wrought iron fence.

Michael Serpe:

There's no traffic going next to it, by it? I saw on one of the elevations it looked like it was at the intersection of two --

Jean Werbie-Harris:

This one, Michael, or this one over here?

Michael Serpe:

Which one is restaurant B?

Jean Werbie-Harris:

This one is B right here.

Michael Serpe:

And where's the street on B?

Jean Werbie-Harris:

It's a drive lane.

Tim Dearman:

It's a drive but not a street.

Jean Werbie-Harris:

Parking is right here.

Michael Serpe:

Is restaurant B going to be applying for a liquor license?

[Inaudible]

Michael Serpe:

Okay, process of elimination we'll find out what that is. Okay, alright.

Tim Dearman:

We're doing that tenant in four different states right now, and I can tell you they will be [inaudible].

Michael Serpe:

You're satisfied that the outdoor seating will not be -- people sitting there will not be in harm's way?

Tim Dearman:

No, absolutely not. We wouldn't want it, the tenants wouldn't want it. They're a national chain. All of these are corporate. None of these are franchise operations, they're all corporate. So they also have very stringent restrictions on parking and how their look is and things of that nature.

Jean Werbie-Harris:

One of the other things that we had talked about is that if there's some type of wrought iron fencing for example that the posts or the pillars may be there, not the one or two inch post, but maybe they become more of a concrete attractive bollard type facility so that it kind of protects that as you're going around the corner. Again, directly south of restaurant B -- I mean this is parking right here and they're right here. So people would be coming this direction. But, again, they're not going that far because they're not going around that building. They're actually maybe just going to a parking space this direction.

Michael Serpe:

One other question. And this is really -- has any of your places considered valet parking and contract with some of the business parking lots in the area? Have they done that?

Tim Dearman:

We have not done that. You mean in other locations that we've developed? We have not done that. What we've done is we've developed Costco, actually in Nashville we did a Costco, and we did an arrangement with them for the employees to park at the far end of the Costco parking lot, the employee parking. In this situation I've met with Father Bob at St. Anne's, and we've talked about doing some accommodations for grand opening. I met with him again actually today before coming here. But we've got that worked out. And the good news is some tenants have a black out period where they don't want to take possession at a certain time. This is likely to be hopefully around early December. So some will open and some will drag on to maybe February or March. So you don't have five tenants having their grand opening within the same two week span. So that should help at the same time. No, we've never done the valet to answer your question.

Wayne Koessl:

Chairman, I'm not against the conceptual plans, but I think the challenge is going to be the parking because parking at Prairie Ridge is horrendous. The businesses out there have attracted an abundance of customers. And I think when the staff works to get the final plans in place that's going to be one of the challenges is parking.

Michael Serpe:

It's a nice problem to have but one they have to deal with.

Tom Terwall:

Any other questions or comments? If not I'll entertain a motion.

Michael Serpe:

I'd move approval.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN 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. Welcome.

Tim Dearman:

Thank you all. Have a good night.

7. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF AN AMENDMENT TO CONDITIONAL USE PERMIT #13-03 for the request of Attorney J. Michael McTernan agent for VIDHYA Corp, VIII, Inc., the property owners, to remove condition #54 and allow the BP Amoco gasoline station and convenience store located at 10477 120th Avenue to remain open after June 10, 2015 subject to the terms and conditions of the existing Conditional Use Permit and the Settlement Agreement between the Village and the property owners.

Jean Werbie-Harris:

Mr. Chairman, this is a public hearing and consideration of an amendment to the Conditional Use Permit 13-03 for the request of Attorney J. Michael McTernan agent for VIDHYA Corp, VIII, Inc., the property owners, to remove condition #54 and allow the BP Amoco gasoline station and convenience store located at 10477 120th Avenue to remain open after June 10, 2015 subject to the terms and conditions of the existing Conditional Use Permit and the Settlement Agreement between the Village and the property owners.

The staff did receive some correspondence from Attorney McTernan requesting that this particular item be tabled. What I'd like to do is the staff recommends that the Plan Commission continue the public hearing. I'm not sure if you'd like to open it first, but continue the public hearing and table the requested Conditional Use Permit condition 54 until June 8, 2015 Plan Commission meeting.

And some of the things that I had talked to Attorney McTernan about was payment of outstanding invoices and to finalize an agreement that we're very close to getting finalized between our attorneys and their attorneys, and it is to their benefit and we do agree to the items within that agreement. But we just want to get that finalized before this item goes before the Plan Commission for an extension of the Conditional Use Permit.

Mike Pollocoff:

We need to open the hearing to continue it.

Tom Terwall:

We should open the hearing.

Wayne Koessler:

So moved, Chairman.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO OPEN THE PUBLIC HEARING. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Jean Werbie-Harris:

So the staff is recommending based on the request made by Attorney McTernan to actually continue the public hearing to the first Plan Commission meeting in June, June 8th, at which time the full public hearing can be continued at that time and a full presentation can be made by the Village staff as well as the petitioners. And, again, hopefully everything should be all wrapped up actually next week. But we just couldn't with the holiday get everything taken care of prior to that. So the staff is recommending that the public hearing be continued and the conditional use permit request be tabled until that time.

Tom Terwall:

I would request that our engineer be present at that public hearing.

Jean Werbie-Harris:

And he will be, and he was. I actually just sent him home just about ten minutes ago because it was being tabled tonight. And our Village Attorney will be present as well as our consultant as well.

Tom Terwall:

Since the public hearing is open at this time, is there anybody that wishes to speak on this matter now?

Edward Rich:

Good evening. My name is Edward Rich. I'm the owner/operator of the neighbor Culver's of Pleasant Prairie to BP Amoco. You know this issue has gone on for some time. I'm sure they didn't plan on it to happen but it did. And the reality is their problem became my problem. And all I'm saying is that our attorney, I don't know if the city has information, but we're constantly asking for what the results are, and we're not getting that information. So they say everything's cleared up. That's possible. That could be true. At some point if you wanted to sell your property and it was contaminated and the word contamination devaluates the value of the property.

All I want to know is that the place is clean. I'm not trying to create any problem. But I believe there's what's called an off site exemption letter through the DNR, and my thought is they should be responsible for that to make sure that through the DNR everything is taken care of. That at some point in time if I elect to sell the property that I can pass it onto the owners to make sure it's taken care of.

The other part that's just challenging as a neighbor, it's something you can't take care of, but every time when we do any kind of work on our property I always want to make sure I advise the city. I applaud them, they finally did some seal coating, but they blocked off the transfer between the two properties. My understanding we're supposed to allow the city and tell the neighbor. They elect not to. Every time things take place I'm always making the effort in letting them know, but they never share with me. And likewise they probably have that same relationship or attitude with the city.

All I'm asking is you take a look and just make sure they do due diligence and make sure they clean it out. If you look at the ditch line the agreement was after it was taken care of they were going to clean the ditch line. Take a look. We try to maintain our property, we want to make sure it looks esthetically -- people coming into Pleasant Prairie we want to let them know we're proud to be here, but yet I don't recall them taking care of it. They said they would. Maybe they threw some seed down. I don't know but they never advised me. I'm willing to help, but all I'm asking them to do in good faith is to follow through on what their commitment is and to let me know.

Tom Terwall:

And that's one of the reasons I wanted to make sure that our engineer is going to be here for that public hearing because we rely on his input and your issues ought to be resolved, I agree. Thank you.

Wayne Koessl:

Mr. Chairman, as you know I've been sort of vocal and negative with this project. And it's mainly due to the reasons that Mr. Rich stated that the owner has not been a very good neighbor. He's not been a very good citizen in the Village. And I'm looking forward to June 8th to maybe do the final dagger. Thank you.

Tom Terwall:

If there's nothing further I'll entertain a motion to put this item back on the table until June 8th.

John Braig:

So moved.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO CONTINUE THIS PUBLIC HEARING UNTIL THE JUNE 8TH MEETING OF THE PLAN COMMISSION. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of Randy Copenharve, agent for Route 165, LLC owner of the property located at 13305 104th Street for the installation of a 50 foot by 72 foot open air hydrogen fuel cells storage facility enclosed by 16 foot high precast wall panels and an ornamental fence generally located southeast of the warehouse building (W2) currently under construction. The fuel cells will be used to power Uline's fleet of electric forklifts as an alternative to battery powered forklifts.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is consideration of a Conditional Use Permit including Site and Operational Plans for the request of Randy Copenharve, agent for Route 165, LLC, owner of the property located at 13305 104th Street for the installation of a 50 foot by 72 foot open air hydrogen fuel cells storage facility enclosed with 16 foot high precast wall panels and an ornamental fence to be generally located southeast of the warehouse building, the W2 building, currently under construction. The fuel cells will be used to power Uline's fleet of electric forklifts as an alternative to battery powered forklifts.

The first thing that we needed to do in order to take this matter up for consideration before the Plan Commission is that the Zoning Administrator and myself needed to make an interpretation. The Zoning Administrator can make an interpretation from the Zoning Ordinance that the proposed fuel cell storage use should be considered a miscellaneous conditional use based upon the factual findings as provided in this memorandum which support the decision.

The Village Zoning Ordinance Section 420-12 A. (2) states that: The uses allowed in the M-1 District are based upon the use and occupancy classification specified in Chapter 3 of the 2006 International Building Code as may be amended from time to time. Where a use is proposed for a purpose that is not specifically provided in Chapter 3 of the 2006 IBC and is not specifically listed as a prohibited use in the M-1 District, such use shall be classified in the group that the occupancy most clearly resembles according to the fire safety and relative hazard involved. As the Zoning Administrator, I have made the final determination that the proposed hydrogen fuel cells storage use in an outdoor facility is allowed within the M-1 District with a Miscellaneous Conditional Use Permit as it may be approved by the Plan Commission.

So as part of the conditional use process and public hearing and for the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below:

Findings of Fact

1. The petitioner is requesting a Conditional Use Permit, including Site and Operational Plans, for the installation of a 50 foot by 72 foot open air hydrogen fuel cells storage facility enclosed by 16 foot high precast wall panels and an ornamental fence to be generally located southeast of the Warehouse building W2 currently under construction at 13305 104th Street in the Village. The fuel cells will be used to power Uline's fleet of electric forklifts as an alternative to battery powered forklifts. The application is provided as Exhibit 1.
2. The property is located in a part of the Northwest One Quarter of U.S. Public Land Survey Section 25, Township 1 North, Range 21 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie, Wisconsin and further identified as Tax Parcel Number 91-4-121-252-0283.
3. The current zoning of the property where the fuel cell storage facility would be located is M-1 (PUD), Limited Manufacturing District with a Planned Unit Development Overlay District. The proposed use has been determined by the Zoning Administrator to be allowed with approval of a Conditional Use Permit.

4. Pursuant to the submitted Operational Plan (Exhibit 1):
- a. Uline proposes to use hydrogen fuel cells to power their fleet of electric forklifts as an alternative to battery powered forklifts in the existing W1 Distribution Center and the W2 Distribution Center under construction. Plug Power, a leader in fuel cell solutions, will provide all the fuel cells, hydrogen refueling equipment, and maintenance for the duration of the project.
 - b. Uline would like to power their fleet of electric fork trucks in their existing and proposed distribution centers with hydrogen fuel cell technology for three primary reasons. These include improved reliability, for safety reasons and to promote business growth that will result from the efficiencies that the fuel cell technology will provide.
 - c. The proposed installation includes eight refueling stations installed inside the warehouses, however there will be no storage activities performed inside. All hydrogen will be kept outdoors in an area selected to comply with current regulations. The outdoor bulk storage will include an 18,000 gallon horizontal liquid hydrogen tank, three compression devices, and 120kg of gaseous hydrogen storage.
 - d. The bulk storage area will consist of a 72 foot x 50 foot concrete pad. A perimeter enclosure consisting of 16 foot tall precast wall panels and an ornamental fence will be provided to secure the yard. Unauthorized personnel will not be allowed in the yard. Unauthorized personnel will not be allowed in the yard.
 - e. The outdoor bulk storage area which does not have any canopies or roof structures is not a building structure, therefore the requirements of the International Building Code are not applicable. Because no hydrogen will be stored inside the W1 and W2 warehouse distribution centers, the fuel cell use is not classified as hazardous use occupancies per the IBC.
 - f. The system will emit no harmful emissions, only heat and water. The system will provide hydrogen to Uline, the sole user. This installation will not be a point of resale for hydrogen.
 - g. Fuel cells do not emit emissions and no hydrogen is released inside the building, and thus does not require ventilation in the project proposed.
 - h. The existing lead acid batteries require the use of spill kits to neutralize any acid that could come in contact with concrete floors, or steel racking, etc. when being handled, where hydrogen fuel cells do not.
 - i. There have been multiple emergency incidents due to the handling of lead acid batteries that have occurred in facilities located throughout Pleasant Prairie. The material handling processes proposed for the hydrogen fuel is safer than those in place for the handling of lead acid batteries.

- j. When a fuel cell connects to the fueling station, a series of checks are performed to ensure safe dispensing. Those checks include a leak check of the nozzle and piping, validation that the fuel cell is properly connected, ensuring that the operator is standing on the presence detection mat, and that the safeties such as gas detectors and flame detectors are in safe conditions. If any of the aforementioned conditions are not met the fueling will not start or the fueling will stop. All the valves used in the dispensing of hydrogen are normally closed and will only open if there is a fuel cell connected to the other end of the fueling station. All the safety devices gas detector/flame detectors are on constantly and will shut down the dispenser when triggered even in between refueling events.
- k. The hydrogen will be stored and compressed outdoors. All equipment used in the processing of the hydrogen will be electrically classified Class 1, Division 2, and Group B as per NFPA 2. The pad location is proposed in an area that respects the various setbacks required per NFPA 2 as well. The applicable setbacks are as follows:
 - i. Setbacks from overhead power lines - 25 feet required, 50 -feet provided.
 - ii. Setbacks from sprinklered buildings - 50 feet required, 201-feet provided from W2 and 499 feet provided from W1.
 - iii. Setbacks from property lines - 50 feet required, 141 feet provided to nearest property line to the south.
- l. The hydrogen will be pressurized on the outdoor pad proposed. Hydrogen will be delivered as a liquid and stored in a horizontal, double-walled tank. The hydrogen will be compressed when needed through the use of a liquid pump. Plug Power will be deploying two liquid pumps to offer 100 percent redundancy. A smaller gas compressor will also be deployed to help Plug Power manage the liquid hydrogen tank boil off similar to what is currently in operation at Uline on a temporary basis since October 2014.
- m. In accordance with the Fire Chief McElmury's request, two additional fire hydrants have been added on the north and west side of the fuel cell storage area to provide additional coverage. These hydrants are connected to the fire loop that is being provided around the entire perimeter of the W2 Distribution warehouse. Exhibit 2 is a complete copy of the letter from the Fire and Rescue Chief regarding the projected dated May 6, 2015. As provided by the Fire & Rescue Chief in his memorandum he had the following comments. And I'll just read an excerpt from that letter or from that memo.

"I have been asked to comment on the proposed Forklift Fuel Cell project at Uline. We have worked with Uline for over 1 ½ years on the trial phase of this project. The idea of eliminating forklift batteries that are filled with sulfuric acid and that are susceptible to damage, leaks, off-gassing and fires was intriguing to the Fire & Rescue department when we were initially educated about the project.

Over the years at different facilities, we have responded to emergency calls involving sulfuric acid leaks, fires in the battery charging areas and injuries from handling the batteries. The technology that Uline is proposing to use substantially reduces the hazards to employees and emergency responders. The fuel cell is mounted in the forklift and is not routinely removed, which eliminates the hazard of the removal and installation of the heavy battery which exposes the battery to potential damage, leaks and fires. More importantly, the employee is not exposed to the possibility of injury from the battery change process. When batteries are charged they produce hydrogen sulfide which requires ventilation and is a secondary hazard.

The proposed fuel cell in the forklift is powered by hydrogen that is refilled at small refueling stations inside the building that are closely monitored with sensors. These sensors shut down the flow of hydrogen from the storage tank located outdoors if a leak or flame is detected. The hydrogen is stored outside of the buildings in a remote, protected and secure facility. The system is NFPA 2 compliant and has an excellent safety record at the 60 locations in North America and Europe where they are operating. The Fire & Rescue Department supports the project proposed by Uline to install a remote NFPA 2 Compliant Hydrogen Fuel Cell Storage Facility".

- n. Uline is requesting permits to add hydrogen fuel cells to power lift trucks for three main reasons:
 - i. Reliability - During a power outage their batteries cannot be recharged but hydrogen can be operational with only a small fraction of the power from a backup generator.
 - ii. Safety- Lead acid batteries currently power their lifts. These have many hidden hazards including exposure to acid, exposure to lead, uncontrolled release of hydrogen during charging vs. hydrogen fuel cells which contain all the hydrogen and stored electricity potentially shorting out. These hazards are eliminated with hydrogen fuel cells.
 - iii. Grow their business - Lift trucks operating on fuel cells require substantially less time to refill as compared to changing batteries. This provides additional time to perform value added tasks that better serve their customers.
- o. Plug Power has been working with hydrogen fuel cells since 1997. The forklift operators have been adapting the technology at a fast pace for the past five years. Plug Power now has over 6,000 fuel cells at over 60 customer locations across North America and Europe, accumulating over 20 million hours of run time. Plug Power has successfully deployed multiple sites such as: Coca-Cola, P&G, Wal-Mart, BMW, Mercedes, Volkswagen, Honda, FEDEX, Lowes, ACE Hardware, Sysco, Wholefoods, Kroger, Winco, Wegmans and Nestle. All of these customers are safety conscious and strive for a safe working environment for their associates and see fuel cells as a safer alternative. Plug Power's products

are refilled approximately 10,000 times daily all performed by operators with no recordable incidents.

5. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on May 7, 2015 of this hearing. Public hearing notices were also published in the *Kenosha News* on May 12 and 19, 2015. The petitioner and the property owner were emailed a copy of this memorandum on May 21, 2015.
6. 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 the information presented this evening that the project as planned will not violate the intent and purpose of all ordinance and meets the minimum standards for granting of a Conditional Use Permit. Further, the Plan Commission shall not approve a site and operational plan application without finding in their decision that the application, coupled with satisfaction of any conditions of approval, will comply with all the applicable ordinance requirements and all other applicable federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, noise, storm water management, streets and highways and fire protection.

With that I'd like to continue the public hearing and introduce representatives from Uline or their consultants to add any additional information or answer any questions that the Plan Commission may have.

Randy Copenharve:

Thanks, Jean. Randy Copenharve, 12575 Uline Drive. Sorry for the mud on my shoes, but I walked across the street. So as always we're excited to be here for another project. It's not another building, per se, but it's going to help us continue our growth with technology and safety in mind. So we're here to present something that's fairly new to the industry. Plug Power has been around for a while, but this is new to Uline, very exciting. It's something we've been working with the Chief for the last year and a half or so. And we've come to the conclusion that we want to proceed. That's the reason we're here today.

Tom Terwall:

You currently have a pilot project with Plug Power, is that correct?

Randy Copenharve:

That is correct. We have approximately 20 trucks that are in use right now. We've been utilize it six months now. Six months or so we've been in the process of testing and formulating to make sure that this is what we want to do. Throughout that process we've learned some of the hiccups. We've learned some of the things that we've done great and not so well, and we've made some changed in modification. With that we made the determination that it is a successful program to move forward.

Tom Terwall:

And what are your storage requirements for the pilot project? How are you storing hydrogen out there now?

Randy Copenharve:

We're currently storing hydrogen right now on the southwest corner of our current W1 facility up there on the far southwest side with a -- how big is the tank?

Randy Copenharve:

So we have a tank onsite now. I don't know the exact size of it. But we have a tank that will last us about 15 to 20 days for refueling.

Tom Terwall:

Okay.

Randy Copenharve:

And that was also done under the guidance of Jean and the Chief. We brought them on from day one. Because it's a new technology to us, and we wanted to make sure in lock step not only with Plug Power, our operations department from Uline, but the city officials. Because I do believe this is the first of its kind in the State of Wisconsin if I'm not mistaken.

Tom Terwall:

This is a matter for public hearing. Is anybody else wishing to speak on this matter? Anybody else wishing to speak? Before I open it up to questions and comments from the staff, Fire Chief would you step to the microphone just for a minute please? I have a question for you. I get a little nervous thinking about an 18,000 gallon tank of hydrogen. Maybe I shouldn't be. I guess my question is does this require any additional equipment on behalf of your department?

Chief McElmury:

Actually it's interesting you say that because when they first called us and told us what they wanted to do they got our curiosity up. We had a lot of questions for that exact reason. You think hydrogen and it's a very flammable gas. But some of the things when we were educated more about it, and we actually went and we looked at a facility down outside of Joliet in a very new business park down there. They actually have a large warehouse using this system. And we were, frankly, quite impressed with the way it was set up.

The number one thing that we like about it is it takes the hazard, that 18,000 gallon tank, the compressors and then kind of like the higher pressure storage unit, and it sets it out away from the buildings. So it's away from the people, it's away from the forklifts, it's away from their flammables. And the way that they have their enclosure set up with the 16 foot walls it's very well protected from three sides but it's open. There's no roof over it. One of the properties, hydrogen, is that it's extremely light, lighter than air. So as a result it goes up very quickly. So if

there's a leak it's going to go up. And being that it's out in open air and not inside of a building that's very advantageous in mitigating a leak if there was to be one.

The lines that go to the building are a continuous small tube about 3/8 inch in diameter. There are no fittings, there's nothing. That's why they're very limited where they can put that. They can only get that tubing in certain lengths. So they were able to set it up in between the two warehouses. So we don't really have to worry about a significant leak going from the storage facility into the building. If there isn't a high flow there's automatic shut downs at the outdoor storage facility.

In order to comply with NFPA 2 there's also remote shut downs at refueling stations inside of the warehouses. If it senses a flame or if it senses a leak it shuts down everything remotely outside. So we looked at that. Because, frankly, right now one of our concerns with these big battery charging stations are when the batteries are charged it gives out a gas called hydrogen sulphide. Different than hydrogen because hydrogen sulphide is actually heavier than air, it settles. And think about it, what's in a warehouse, what's in a place of business when gas settles? People. And also with people come additional ignition sources. So to be able to get a gas up out of the way is much safer for the people.

So when we looked at all these different factors and the fact that how little hydrogen is actually carried in each one of the forklifts it's a very small tank compared to using either the sulfuric acid filled batteries. Or even in the case let's say they want to use propane you've got a 40 pound cylinder on the back of that thing versus like three gallons in this hydrogen fuel cell. It really does reduce the risk inside the building to the employees. There is a risk, there's no doubt, with an 18,000 tank, but it puts it out remote away from the building.

We asked when they put this new 20 inch water main in that comes off the new Village 20 inch off of 165, when it comes down in between there they actually had it [inaudible] very advantageous for us to use in the event of a problem where we could put up unmanned monitors and we could apply water to cool any situation down and, again, back our people off of there, too.

Tom Terwall:

Thanks.

Deb Skarda:

Tell me a little bit about the inspection frequency for something like this.

Chief McElmury:

Well, we're required to inspect every occupancy in the Village a minimum of twice per year by State statute, and we do that. And then not only do we do the initial inspection, if there is any outstanding violations that we find we go back, and we continue to go back again and again until that situation is resolved. So basically in each not overlapping six month period, a fancy way of saying sometime by June 30th and by December 31st, we make sure that all violations found corrected. And I'll be honest, in the case of Uline very often do we get offsite --if we do manage to find a violation very seldom by the time we get offsite is it not fixed.

Michael Serpe:

Doug, I don't know if you know this or not, maybe Uline can answer it, how do they transport the hydrogen from whoever is manufacturing it to Uline? How does it get there?

Chief McElmury:

It comes via semi-truck. Matter of fact the conceptual drawings show the truck parked outside there, and then it fills through that gate.

Bill Stoebig:

Excuse me for my lack of chemistry knowledge. But what ignites hydrogen? Does it require a spark?

Chief McElmury:

Anything that would raise it above its ignition temperature, yeah. So, again, just like propane or natural gas, any flammable gas and any ignition source could do that.

Deb Skarda:

So tell me a little bit about the security. And this is probably more for Uline, security. I mean is there any risk that somebody would sabotage, somebody being between Chicago and Milwaukee who --

Randy Copenharve:

That's a very good question actually. We address that with two ways. One, there is going to be a fence around this. It's going to be a steel custom fence, not just something we buy off the shelf, that's going to be heavy duty with bollards outside. And it's also going to be locked down with card access and a key that is only held by Plug Power. We won't even get a key to go inside of it. One of the questions I had asked when we set this up was, well, what about cleaning? How do we get in there and clean, and they said you're not getting in there. That's a specialty lock that they make and manufacture and puts on this that they only have access to.

Our facility is equipped with 120 cameras across the two buildings right now, our main office and our warehouse. When we build the new W2 facility there will be another additional 40 cameras. So we're heavily secured with a patrolman that patrols outside and inside 24 hours a day, 7 days a week. In addition, not because of the hydrogen, just because of the growing concerns of security nowadays, we are looking at putting gates and guardhouses around the perimeter to lock down all of our entrances. It's not official, but we're in the infancy stages of investigating how that's going to work. So we take security very, very serious at Uline. And we make sure that all precautions are met. And we look at any potential break ins or things that can go wrong.

Tom Terwall:

Can you tell me how thick those walls are that surround the tank?

Randy Copenharve:

Yeah, it's going to be a precast enclosure. The walls are going to be ten inches thick. They're the same walls that are on our building right now. So they're going to be precast where they're going to have two inches of cement, inside insulation, and then additional cement on the other side. They're made by ATMI from southern Chicago and then trucked up here.

Like Jean had mentioned it's not a building per se, but it's going to be built like a building because it's not going to have a roof on it. So it's going to have 16 foot walls on three sides, and there's a good picture of one of them in there, Jean. And the front face will have a gate. I have a picture here. If you guys want to pass it around [inaudible].

Tom Terwall:

Thank you. Jim, did you have a question, too?

Jim Bandura:

A question to the Chief. When you're doing your inspections is part of the inspection going to be to the shut off valves and everything?

Chief McElmury:

Actually what we look for is documentation from the Plug Power people that those have been maintained. Because, frankly, we don't have the expertise to determine if it was properly maintained. I'm not an engineer let alone a hydrogen engineer. So we would look for documentation just as we do now for like a fire alarm system or a sprinkler system where we actually have the sprinkler fitters or the sprinkler inspectors to provide documentation that it was maintained and inspected per the standards. We would look for something from Plug Power that says that they have done the annual inspections and the preventative maintenance as required by NFPA 2.

Jim Bandura:

And once you do your inspections will Plug Power be there when you're doing them? Would it be advisable.

Chief McElmury:

We won't be inside of that without Plug Power the same as --

Randy Copenharve:

We also have representatives from Plug Power here because they're the experts in this by all means. But we will have an employee of Plug Power on our site. Not only are we going to train our current maintenance mechanics, there will be a member of Plug Power, hired by Plug Power, paid by Plug Power on our campus. That individual will do daily inspections and line out the things that are supposed to be done, safety inspection, visual and so on and so forth whether it be valves or the sensors or the pads that you step on. And then also I was just talking with one of the

representatives, they come out yearly and do a full sweep of the system. Those reports will then be turned over to the fire department just like anything else that we do whether it be the sprinkler systems or the hydrants or our electrical systems. All those reports are turned over on an annual basis.

Wayne Koessl:

Mr. Chairman, it sounds like a very well planned project, and I'm in favor of it.

Deb Skarda:

I want to ask one more question. It's really more for Plug Power. So any other companies that have had any sort of safety issues?

Jean Werbie-Harris:

Name and address for the record please.

Phillip Shen:

I'm Phillip Shen of hydrogen energy with Plug Power out of Albany, New York. I would say that the incidents that we've had in the past always have to do with the associates, the operators. That's our main concern. I mean we can make the design as safe as possible, but the interactions we have daily they're [inaudible] systems so we've built a lot of them.

The incidents that we've had are similar to what you could have seen at a gas station. For example, a simple drive away, somebody drives connected still to the fueling station. Those are the sites of incidents that we've seen. This system is designed just like a gas station [inaudible] to shut down safely. But we have seen those in the past at some of the customers, for example, some of the more early adopters I would say three years ago. That's brought us to redevelop the design a little bit. I know that she mentioned a couple of her [inaudible] safety devices that we put around the stations to make sure that we can counter that issue, though. But, yes, for example Wal-Mart associates over the 2008 and 2011 period [inaudible].

Tom Terwall:

Thank you.

Michael Serpe:

On a side note if I can ask, you know there's a lot of benefit to the hydrogen fuel cell. Efficiency compared to a gasoline powered vehicle or a propane powered vehicle what is the efficiency?

Phillip Shen:

It's actually much higher. Gasoline or a propane is obviously a combustion engine so you get about a 35 percent efficiency out of your energy. We're not actually burning the hydrogen. When we're using a fuel cell we're using it's [inaudible] property. We're running it through the fuel cell stack, sort of a black box, and after that we're just sending the electricity straight to an

electric motor. So we are averaging I would say about 66 percent of the hydrogen itself. But all of the hydrogen once it's in the tank the electric forklift is 95 percent efficient. So it's actually much more efficient.

Michael Serpe:

Fifty years from now a lot of us won't be here, but a majority of the vehicles will be driven by fuel cells.

Bill Stoebig:

Is there a waste that comes off of that?

Phillip Shen:

Water. It just comes back as water, yes.

Wayne Koessl:

If there aren't any further questions, Mr. Chairman, I'll move approval. But I like the way they came early to the Village staff and got us on board with their plans if they were going to do it or not so we knew what was going on. And I think Jean has a comment.

Jean Werbie-Harris:

Yes, I'd like to just read the staff conclusions and recommendations into the record. The staff has determined that based upon the foregoing information presented in the application and related materials provided and the information presented in the public hearing this evening, especially those comments pertaining to security, that the proposed use meets the following standards for the granting of a Conditional Use Permit in that:

- a. The project does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and the traffic patterns on the site do not hinder, harm or distract the provisions of public services;
- b. The project does not impair an adequate supply of light and air to the adjacent properties;
- c. The project does not increase danger of fire insofar as the danger of fire does not exceed the capabilities of the Fire & Rescue Department;
- d. The project does not create storm water flooding or drainage, create obnoxious odors, problems or otherwise endanger the public health, safety or welfare;
- e. There is no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency that would endanger the public's health, safety or welfare related to this proposed project. Again, there are some concerns, but it sounds like it's a much better way to approach powering these forklifts than what is currently being used with the acid batteries;

- f. The proposed and applied for use on this particular project is not inherently inconsistent with the M-1, Limited Manufacturing District, in which it is located or the adjoining Zoning Districts and/or neighborhood.

So based on the foregoing information the staff recommends approval of the Conditional Use Permit subject to all of the comments and the conditions as discussed this evening and as presented in the staff memorandum.

Wayne Koessler:

Move approval, Chairman, subject to staff conditions.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS SUBJECT TO ALL TERMS AND CONDITIONS SPECIFIED IN THE REPORT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Chief, we all remember what happened at Lawter, and we don't want to see that again. Thank you.

- C. Consider the request of James and Amy Bejna, owners of the property located at 8282 64th Court (Lot 21 of Tuckaway Trails) for approval of a Lot Line Adjustment to add approximately 416 square feet to their lot from the southeast corner of the property located at 8276 64th Court (Lot 20 of Tuckaway Trails) owned by William and Anne Brown.**

Jean Werbie-Harris:

Members of the Plan Commission and Chairman, this is the request of James and Amy Bejna owners of the property located at 8282 64th Court, Lot 21 of Tuckaway Trails Subdivision, for approval of a lot line adjustment to add approximately 416 square feet to their lot from the southeast corner of the adjacent property located at 8276 64th Court, which is Lot 20 of Tuckaway Trails Subdivision owned by William and Anne Brown.

So William and Anne Brown, the owners of the property located at 8276 64th Court, Tax Parcel Number 91-4-122-103-0420, are proposing to sell approximately 416 square feet from the southeast corner of their property to James and Amy Bejna. The land would be added to the

southwest corner of their property located at 8282 64th Court identified as Tax Parcel Number 91-4-122-103-0421.

Both properties are zoned R-5, Urban Single Family Residential District, which requires lots to be a minimum of 10,000 square feet. After the adjustment, both lots will continue to meet the minimum lot area of that R-5 District. One comment is if the property is proposed to be regraded to alter the location of any side yard swale then an erosion control permit would be required. The lot line adjustment will comply with the requirements set forth in the Zoning Ordinance as well as the Land Division and Development Control Ordinance. And the Village staff recommends approval of the lot line adjustment subject to the petitioners recording the property transfer documents at the Kenosha County Register of Deeds office and bringing a copy of that information back to the Village within 30 days of approval.

Tom Terwall:

Are either of these two properties built upon now?

Jean Werbie-Harris:

Yes, there's homes on both. Here's the aerial photograph, 21, 20. And we're adjusting this south corner.

Tom Terwall:

Any comments or questions?

Michael Serpe:

Move approval.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE LOT LINE ADJUSTMENT 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.

8. ADJOURN.

John Braig:

Move adjournment.

Jim Bandura:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

Meeting Adjourned: 7:10 p.m.