

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
September 14, 2015**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on September 14, 2015. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Deb Skarda (Alternate #2); Jim Bandura; John Braig; Judy Juliana; and Bill Stoebig (Alternate #1). Donald Hackbarth was 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 AUGUST 10, 2015 PLAN COMMISSION MEETING.**

Jim Bandura:

So moved.

John Braig:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY JOHN BRAIG TO ADOPT THE MINUTES OF AUGUST 10TH AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**

Jean Werbie-Harris:

I have one piece of correspondence, and it is to make the Plan Commission and others aware of a public informational or involvement meeting for Tuesday, September 22, 2015 from 5 to 7 p.m.

And this is a public informational meeting that is being held by the Wisconsin Department of Transportation. It's for the future intersection design for Highway 32 and Highway 165. Just to note that anyone can stop in at any time between 5 and 7 to review the proposed alternatives and provide comments to the WISDOT staff regarding the future project at that intersection. The informational meeting is going to be held at the Pleasant Prairie Renaissance School at 10450 72nd Avenue in Pleasant Prairie.

Tom Terwall:

That's it, Jean?

Jean Werbie-Harris:

Yes.

## **5. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for an item that appears on the agenda as a matter for public hearing, we would ask that you save your comments until that public hearing is held. However, if you're here for any item not a public hearing or you wish to raise an issue not on the agenda now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

## **6. NEW BUSINESS**

### **A. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend the definition of a gasoline station and to create a definition for a truck stop and/or truck service facility in Section 420-152 of the Village Zoning Ordinance.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Item A is a public hearing and consideration of a zoning text amendment to amend the definition of a gasoline station and to create a definition for a truck stop and/or truck service facility. This is in Section 420-152 of the Village Zoning Ordinance which pertains to zoning definitions.

On June 8, 2015, the Village Plan Commission adopted Resolution #15-13 to initiate amendments to the Village Zoning Ordinance to re-evaluate and amend the Zoning Ordinance Section 420-152. And this is related to definitions for the gasoline station and a truck stop and/or a truck service facility.

Currently gasoline stations are allowed in the several zoning districts with the approval of a conditional use permit, and a truck stop and/or truck service facility is specifically listed as a prohibited use in the Village Zoning Ordinance. A definition is being created to clarify what a truck stop and/or a truck service facility.

The definition of a Truck Stop and/or Truck Service Facility is being created to read:

Truck stop and/or truck service facility is a facility that provides services to the trucking industry including, but not limited to, any of the following activities: fueling, servicing, repairing, or parking of semi-trucks or tractor trucks with or without trailers or other similar heavy commercial vehicles; the sale of accessories and equipment for such semi-trucks, tractor trucks or similar heavy commercial vehicles; and/or truck washes. A truck stop may also include overnight or extended time truck parking, sleeping accommodations, showers, weight scales or restaurant facilities for the use by truck crews.

In addition, the definitions for a gasoline station is being amended, and only that area that's identified or highlighted in your comments with yellow or in red on the screen is the only change that's being made for this definition.

A gasoline station is a facility limited to the retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides and minor automobile accessories and not including vehicular servicing, such as, but not limited to, oil changes, engine or body repairs or painting of vehicles. Then the new section of this definition or the new sentence that was added, a gasoline station is not a truck stop and/or truck service facility as defined in this ordinance.

And then I just wanted to clarify a couple of things. The Village Zoning Ordinance expressly states provisions for prohibited uses in the business districts. For example, it states that in the B-4, Freeway Service Business District, 420-121 G prohibited uses, uses that are not specifically allowed in the B-4 District by this chapter are prohibited in the B-4 District. As such, since a truck stop/truck service facility is not listed as a permitted use or a condition use, they are considered prohibited uses.

So the proposed amendments for the definitions of gasoline station and a truck stop/truck service facility serve to refine the dictionary definitions. The proposed definitions do not change the uses allowed or prohibited within a particular commercial zoning district of the Village Zoning Ordinance. The definitions clarify what a gasoline station is and it isn't. So with that I'd like to continue the public hearing on this matter.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? Yes, sir, Mr. Franke.

Jerry Franke:

Good evening, Jerry Franke, WisPark, LLC, 301 West Wisconsin Avenue, Milwaukee, Wisconsin. We own land out by the interstate. And a question first if I may for Jean Werbie. Jean, I didn't get a chance to go through the zoning ordinance. Do you have a definition of a convenience store?

Jean Werbie-Harris:

We do.

Jerry Franke:

Okay, you don't have to give it to me, I just wanted to know. I've got to tell you as I read through this I felt like I was stepping back into the 1950s. I haven't seen either a pure truck stop or a pure gasoline station built in years. They're usually a convenience store that offers gasoline as part of their service. So I would ask the Plan Commission if they would give consideration to deferring action on this and perhaps considering something that I'll label an auto truck fueling station which would allow for minimal fueling of semi-trailers or pumps, no onsite parking, no scales, no restaurant. It would be like most convenience stores we've seen with accommodation for minimal semi fueling. There's a very good operator in this area that would like to do one of those. They have an example of those throughout southeastern Wisconsin.

The truck traffic on 165 is getting very heavy. I spent a couple hours one morning walking around LakeView West out by the interstate, and I was flabbergasted by the number of semi trucks. We have talked to companies like Uline. They would like to see this kind of service available.

And, finally, you guys have spent an inordinate amount of time battling with the gentleman who runs the BP Amoco station. The best thing you can do to get him to straighten up his act is to provide some competition there. And unfortunately as we've been looking around for people to operate a facility there, there isn't anybody that isn't willing to do it if you can't do at least some fueling stations for trucks.

I've been here since the Flying J controversy was going on. I've been on a plane trip with Mike down to St. Louis when we rode out in a blizzard to see what a Flying J looked like. It just reinforced that that's not something we want here. But I think a hybrid definition could be developed for an auto truck fueling station and would include some convenience store opportunities. I would hope that some consideration could be given to that. Otherwise we will be coming back and asking for the Plan Commission to consider a revision to the zoning ordinance. It just seems like we could kill two birds with one stone. Any questions I'd be happy to answer them.

Tom Terwall:

Thanks.

Michael Serpe:

Jerry, while you're still there you said four trucks. What would you do with any that want to stage, weight, how would you handle those?

Jerry Franke:

Well, that's going to be the challenge That's why we've got it placed in further in the land on the north and east side of the frontage road. That could be a challenge. I'd be the first to admit that. That's why we would ideally like to see a little larger site, but that's been kind of not denied because obviously the staff can't, but the staff doesn't really want parking on the lot.

Jim Bandura:

Jerry, how many acres is that?

Jerry Franke:

Well, the site that they're looking at right now is about five acres. And that allows for maneuvering and things like that. So there would be some stacking ability for trucks on the site. That wouldn't have to be on the street. But we all know we all go to work in the morning and see the semis parked on the ramps. We see them parked on the frontage roads. It's either a police activity where you tell them to move on or you suffer through with it. So far most municipalities have chosen to suffer through with it.

Jim Bandura:

Is there anything else available, a larger size lot to accommodate that?

Jerry Franke:

We can make it any size you want it. We've got about 12 acres to the southeast of the pond that's there. We're probably going to have to reconfigure that pond anyway because of some of the connections we'd like to make through that. We've developed a rough conceptual site plan. Right now they're more concerned about what the services are they can provide. And like I said nobody will come in with just a pure car or automobile filling station.

Tom Terwall:

Jerry, are you familiar with the stop at 142 and --

Jerry Franke:

Yeah.

Tom Terwall:

What would you consider that to be? Would you consider that a truck stop or --

Jerry Franke:

I've only stopped there once, and I couldn't get over how busy it was. There was a lot of parking there and things like that. I guess the one that we looked at that is closer to what we wanted originally was the Kwik Trip at Highway 20 in Racine. But that was a two phase development, so it wasn't done as an integrated facility. There's a great facility out on Highway F in Pewaukee. Actually the service station that they would like to consider here is in Burlington, so it's a hop, skip and a jump over there to Buick. We just feel that the need for the park and for people using the highway, and this is Freeway Service Retail, would benefit from this kind of facility here. Plus we think it would also help us to attract a restaurant, not as part of this, but a sit down restaurant, maybe a Bob Evans or something like that. I mean we don't know that, but I'm just trying to give you something to picture as we talk about it. But I do feel that through

working with the planning staff that we could come up with a hybrid that wasn't either one of these things here.

Tom Terwall:

Jean, if this were to be adopted are there any places in the Village that that traffic would be allowed?

Jean Werbie-Harris:

Where a truck stop or a truck service facility would be allowed?

Tom Terwall:

Right.

Jean Werbie-Harris:

No, not currently. There was a very conscious decision made by the Plan Commission back in 2002-2003 over that year and a half when we rewrote all of the zoning district regulations for the commercial districts in the Village of Pleasant Prairie. And at that time there was a very conscious decision and a direction by the Plan Commission and the Board that we would not be permitting truck stop/truck service facilities. It's for that reason that we wrote the district regulations the way we did, and if it's not expressly permitted and outlined as a permitted use or a conditional use then it would be expressly prohibited.

And so what we're trying to do this evening is just to clarify what a truck stop is, but it's not listed as a permitted or conditional use now. So we're not changing the uses of the districts or the ordinance tonight. What we're doing is just clarifying what normally we would just refer to as a dictionary definition because that's where we go to when we don't have a specific definition listed in our zoning ordinance.

There is a definition for a gasoline station, we do have one for a convenience store. But at the time I guess we were thinking that it was very clear that any type of facility that services trucks would be a truck related facility. And we made at that time a decision that we would not be allowing those in the Village. So what Jerry is asking for is that we really would need to rewrite the district regulations to allow them as either a permitted or a conditional use within one of the districts if that's the request.

Jerry Franke:

Can I just point something out? For instance, looking at the current definition of the truck stop and truck service facility I was trying to modify a definition using that as the basis for it. And I started out by saying a facility that provides any of the following activities: Fueling, and then I blanked it out until it says convenience. We're not here, we are not here asking for a truck stop. To me there's plenty of truck stops in the area whether it's the Petro place up on Highway 20, TA down on Russell Road, others around the region. We're looking for something that is a hybrid between a fueling station and a convenience store that happens to provide services to semi trucks. Jean, do you know if we'd be creating any nonconforming uses by going with this definition?

Jean Werbie-Harris:

Would I be creating a nonconforming use?

Jerry Franke:

Would this ordinance create. Because to me Truesdell has this already, a truck fueling station. So it seems to me they would become a nonconforming use which somebody might want to tell them about.

Jean Werbie-Harris:

They currently are. One of the things that they eliminated at their facility was truck parking, and we did that back maybe mid 2000s when they remodeled. That was eliminated at that time. But, yes, they're a legal nonconforming.

Jerry Franke:

I'd be happy to answer any questions. Again, we will be coming to the Plan Commission with a proposal. Just thought we could at least talk about this and give it some thought. Thank you.

Michael Serpe:

A couple weeks ago Jerry approached the CDA and just requested that we work together on a couple things. It was in a public setting. And I hear Jerry tonight asking for the four. And if I knew that it would be just the four without eight or ten staging and waiting I'd say we wouldn't have a problem. If there's a way we can work this out maybe it could work. But I really don't see how it's going to really work with just a four truck fueling area and not having anybody waiting in line down frontage road and everywhere else. If that could be worked out it might work, but I don't see how it could.

Jean Werbie-Harris:

Again, the petition is not before us this evening. So we need to really just focus in on the definition and whether or not we're looking to change it or not.

Wayne Koessl:

I think there's some merit to looking into this. And maybe that could be referred to staff to work with Jerry to see how you could come up with that kind of solution.

Mike Pollocoff:

Mr. Chairman, as Jean said, the issue before us tonight is this one specific change. And what Jerry is asking for and what he's indicating either way he's going to come back with a petition to change the ordinance. My recommendation is if the Commission has questions about whether or not a truck stop or a truck use or truck fueling or whatever we're going to call it should be put in or allowed, I think that two things probably should happen. One is they've been talking to the

staff for over a year about it now, and it's had several iterations. I'd encourage them to submit a proposal that says what it is they want.

But secondly I think what Jean indicated was the work that we did back in 2002-2003 if you think back we had just come out of spending significant funds, money to ensure that there were no truck stops that were located in that area. We've been in court. We did everything we could to make sure we could limit it. And we, in fact, did that right up to the point where the Abbott Labs property was purchased. So that's been a policy that's been held by the Plan Commission for quite some time. And I think that to modify it on the fly tonight without really having any research or a substantive petition before the Commission to be done I think it kind of short shrifts everything that has been done up to this point.

I don't have a problem with tabling this. That's not an issue. But I think my assumption is you'd want the staff to prepare a report to the Commission on the impact of this modification and what it's done rather than just saying let's take a look at doing this and we're on our way. Because I think that we, in fact, don't have a petition in front of us. We don't have a plan in front of us. We've had a series of plans of different iterations, and we've gone through a process where none of these has come to the Plan Commission for any policy consideration. And the staff is in a position right now where we're enforcing -- that's the ordinance that we're dealing with that we're interpreting is that it's not a permitted use anywhere. There's no gradation to it either.

Maybe the ending result is we think if the Plan Commission decides that four truck fueling stations or fueling pumps or bays and whoever can stack up behind it is acceptable for a land use then that ends up being the gradation. Or maybe it's not that or maybe it's something more than that. But none of that effort of work is really filtered to a point where I'd be comfortable making a policy recommendation at this point.

Jerry Franke:

All we're asking for is we think it should go together rather than argue, not argue, but deal with the ordinance tonight or look at adding a third one which is the hybrid solution. We are not proposing this to be on the corner of the frontage road and 165. It would be further to the northwest nearer the retention pond as it exists now. So it won't be directly in your wheelhouse as you're driving into the park.

Tom Terwall:

I'm speaking for myself only. The last thing I want to see if a Flying J. I don't think we want to go through that again.

Jerry Franke:

No, we don't.

Tom Terwall:

But if we approved two million square feet of warehouse for Uline and all the other warehouses those guys got to be able to buy fuel somewhere. And I can definitely support a hybrid situation that's not a truck stop but is a fueling location where semis can get fuel and get back on the road.



Jean Werbie-Harris:

Again, that's not being considered this evening.

Tom Terwall:

I understand that.

Jean Werbie-Harris:

And that discussion should really not take place at this point.

Tom Terwall:

Okay.

Wayne Koessl:

I don't want to see a truck stop either because we went through the Flying J 20 years ago, 27, okay. And I think the request has merit. What would be the issue if we table this so you can work together to come with blending this, to have WisPark, LLC come up with their plan and sit down with the planning staff and see if you could come to some kind of agreement?

Mike Pollocoff:

There's no issue from my standpoint from staff for tabling this. We really asked WisPark to bring up a proposal before to have it be considered. I think from the staff's perspective I think that should be vetted out and analyzed just like we do every other proposal here. And then I think it just begs the question as to what the impact of the WisPark proposal for truck uses in that area is going to be versus existing or proposed land uses in the area. I think if we're going to change a policy we should take a look at where it leaves us, where we are now and where it takes us to.

Jerry Franke:

Just a point of clarification. When Mike said he told us to bring a proposal forward that was a site plan, not a definition of an auto/truck fueling station. I didn't know that this prohibition existed until I took the time to look at the Plan Commission agenda last night after Rita sent it to me. So I didn't know that this was even being dealt with at the Plan Commission level until I saw it last night.

Wayne Koessl:

Mr. Chairman, I think your comments are correct. We've kind of created a trucking monster with all the development we've had. But I'd move we table this and throw the ball in WisPark's court to come in with something to work with the Village.

Tom Terwall:

Is there a second to the motion?

Michael Serpe:

Let me ask you this. For the purposes of conversation I'll second Wayne's motion. But if we adopt this tonight does that stop anybody from coming in with a plan to do what Jerry asked for?

Mike Pollocoff:

No.

Jean Werbie-Harris:

No. And the bottom line is that you have to understand that the ordinance does not allow for truck related facilities now, period.

Wayne Koessl:

We know that.

Jean Werbie-Harris:

So if he brought it in I would have to deny it before it even went to you. The situation is the first thing that would have to be done is there would have to be a rewriting of the zoning ordinance in the various districts to allow it as a conditional use or a permitted use in one of those commercial districts. So that whole evaluation and analysis on land use and on the direction that the Village would like to take that has to be completed prior to a submittal for a truck stop or a service facility providing services to trucks on the interstate because it's just not permitted currently.

Jerry Franke:

The only service we'd be providing to trucks on the interstate is fueling. We're not talking about any kind of service bay, nothing, fueling and food and coffee.

Michael Serpe:

I understand.

Jean Werbie-Harris:

It's still not allowed.

Michael Serpe:

The only thing is if I knew it could be four trucks fueling and nothing more than that including eight or ten staging on the frontage road someplace I would say it's going to work. Now, if that

could be worked out and assured that it's going to be four trucks fueling this might work. But I don't know that we can guarantee that.

Jim Bandura:

I don't think that can be guaranteed because even though you're going to have a truck fueling I can see something happening like parking overnight regardless of the size of the facilities and accommodations. So I'm not so sure that rewriting this or adding another section to this to take care of that hybrid is really going to work and solve a problem for a truck stop facility, for a facility that just allows them to pump gas and be on their way. So my fear even with that is that you're still going to end up having some kind of truck parking or some kind of truck related issues at that facility. So my whole thing is I would not want to table this tonight. I would be open to the staff to look at something to accommodate it maybe, but I just don't feel right about tabling this to keep it going. That's my view.

Wayne Koessler:

What are we keeping going?

Jim Bandura:

Keep the discussion going. I'd like to put an end to this right now and have the staff maybe look at what Jerry is talking about. But right now I'd rather have this ordinance in place to take care of the Village and keep it going in that respect.

Mike Pollocoff:

Just to reiterate there's two separate issues here. One is the existing ordinance with trucks is a prohibited use. And what Jean has proposed here is language that refines what a gas station is. Right now the staff is interpreting anything that is going to have fuel other than a gas station, we're interpreting a gas station to be for cars and, again, that's premised on policy decisions that was made by the Plan Commission previously as we dealt with truck issues. So that's where we are today. Whether we don't approve this tonight or you table it that's what the ordinance says tonight. So that's one path of policy definition that you can make tonight, whether to table it because you want to think about it and act on it later, or you want to approve it because you think it's a clarification. That doesn't affect what WisPark is doing.

I think the other thing is for WisPark to submit a plan that they want to use or what they think is doable and direct the staff to evaluate whether or not a change should be made to the business zoning districts to permit truck fueling as Mr. Franke has indicated with a convenience store and restroom facilities. Do we want to open up this business district and any other subsequent business districts to that level of truck service? That's another question where he's going to I think supply us with a plan, a user, everything you need for an application, and then the staff is going to make an evaluation for the Plan Commission as to changing that ordinance and what the impact is going to be. I think that's the question that he's addressing, and that's what I think I hear the Commission talking about. This ordinance here, whether we do anything with this amendment tonight or not, it's still not going to permit truck diesel services in any of the districts because it's not permitted.

Jerry Franke:

That's exactly why -- I mean I don't know what change this is making tonight, I really don't. And I have to tell you there was a point at one time in February of 2014 where we were told the facility as it exists on Highway 20 would be totally acceptable. And then something happened where it went straight downhill. And now I wonder why we're in such a hurry to get this definition in. Is it to stop any consideration of a very much needed service?

Folks, we've got 100 acres we need in the Village, WisPark, KABA, I heard some things about the KABA land, I don't see a long line of people there trying to develop it. We've got to become more proactive and identify the uses that can go to that. That's why Mike and I are talking about it. Hopefully we'll be able to have a strategic session where we look at what does that interchange want to be when it grows up? My company since 2004 has paid \$2 million in property taxes on vacant land. There's been no grass fires there that I know of. There's been no police activity in those. All three at \$2 million has paid for the improvements of the Village's land which we have to compete against, and they don't pay any property taxes.

There's obviously something wrong at that interchange. The first one in the State of Wisconsin. Everybody wants to go to Highway 50, we know that. But Highway 50 is a mess. There's a chance now for us with a coordinated effort where we're not battling each other for the same user to go out and say this corner is good for this, this corner is good for that, this corner is good for something else. We want to do that. After the fact we're going to be standing here 20 years from now, maybe not me, with the same problem. It's in your best interest to get income generated at that site. And what I'm saying is there's something wrong if we haven't had any nibbles. We've seen fish swim by the boat, that's it.

Michael Serpe:

Between WisPark's property and ours it is an attractive site. But I don't want to be focused at this time just on a gas station there or a four stop truck stop either. Is there other uses that could possibly go in there? Jerry said there's no nibbles yet. But right now a lot of activity in this area. Who knows if something may come up that would fit in that neighborhood that won't be a gas station or a four truck stop. I don't know. I guess what I'm saying is passing the ordinance the way this reads tonight is not going to affect what we're going to be doing in the future. But to concentrate on that site just as a truck stop or a gas station maybe that's being a little bit narrow minded right now.

Judy Juliana:

I'm trying to get this clear in my mind. What this amendment is doing is just to clarify a definition, correct, of what a truck stop, truck service facility is and a gas station. That's what we will approve tonight, correct, just the definition. It will not preclude WisPark or anybody else to come back and say we want to build this kind of a facility or that kind of facility. I'm trying to understand what --

Jerry Franke:

If you take a look at the definition we could not do even the thing that we talked about right now where there's just four fueling pumps, no parking, nothing. We could not propose that. That's

why I get a little bit of a whipsaw here where they're telling me, well, you never submitted a petition, but we would have to reject in anyway. Well, we've spent enough money for fun on this property. The next dollar I spend needs to have some ability to get a return on it.

Judy Juliana:

I'm just trying to understand that if this gets passed how does that preclude anything that you want to do there?

Jerry Franke:

Because right now it would fall into the definition of truck stop because it would have fueling for semis. That's the only use that would be in this discussed option. But we couldn't go forward with it because that would be considered a truck stop.

Judy Juliana:

But you could apply.

Jerry Franke:

No because the Village ordinance says no fueling for semi trucks.

Mike Pollocoff:

That's the case today even without the change.

Jean Werbie-Harris:

Right.

Jerry Franke:

So what's the hurry?

Mike Pollocoff:

We started this in June. Again, I'm hearing the Plan Commission and you guys can take a vote on it if you want the staff to study this. I've talked to Mr. Franke, we're working on engaging the services of a consultant to help us do a market study or a market strategy for that area. I agree that there hasn't been a lot happening on that area. But we've got two major office buildings that have been built on the west side and a warehouse. The Community Development Authority in response to the needs of Jockey and WisPark condemned \$12 million worth of land to clean the area up. We've put the improvements into it. We're probably well into it for \$30 million. And we've spent whatever we've spent to make the improvements for the WisPark property, and they bought the property for whatever they bought it for.

I mean there's no question there's been significant public investment and private investment in this area. And it warrants a thorough study and I think a cooperative study between both parties

to come up with some alternatives and present those to the Commission. That just needs to track differently along with this. Because this is just telling us -- this just makes clear what exists today. WisPark can come in and petition to have the zoning district amended to include what they want. It's not a permit. They would be petitioning to have the zoning ordinance rewritten to allow truck fueling the way that they feel it should be. That's still their option. That's always been an option.

But there's two different racks here. The Community Development Authority met on another land use issue with WisPark, and they declined an offer to buy some Authority land. But outside of that offer there was a commitment made that the Authority wanted to work with WisPark, and they wanted both sides to come up with something that would work together there. And maybe we don't get as close as everybody wants to get, but maybe we'll get everything onto the table and then we can bring it back and sort it out.

But this question is different. I think the thing everybody has to understand is that trucks are not permitted by design as we constructed the ordinance that we currently live under today. This amendment just further refines what a gas station is and what a truck stop is. If we change that after we have that strategy session and we provide a report to you and then WisPark provides their request to us for exactly what it is they want, we bring all that back, then we go from that point. And then at that point we amend the ordinances for the business districts based on whatever we decide is going to be the best thing. That's what has to happen. But the Plan Commission owes itself that level of input from WisPark and from the staff to evaluate the impacts of that. [Inaudible] agreeing to a level tonight of what it should be.

Bill Stoebig:

Mike, how does the current ordinance read to -- how does the current ordinance disallow -- how does it read to it disallows trucks. Does it just say any semi truck?

Jean Werbie-Harris:

So if you look up on the screen the section of the ordinance specifically says, and this is B-4, Freeway Service Business District, 421-121 G, prohibited uses: Uses that are not specifically allowed in the B-4 District. So if they're not specifically listed as a permitted use or a conditional use by this chapter they are prohibited in the district. That's how it's written. That's how we're written all of our district regulations.

Bill Stoebig:

So it's not specifically outlawing a truck stop --

Jean Werbie-Harris:

It is because if you go into the B-2 District -- there's certain districts it specifically says what uses are allowed. And if it's not within that district it's not allowed.

Bill Stoebig:

Right, but it's not specifically disallowing a truck stop.

Mike Pollocoff:

Yes, it is.

Jean Werbie-Harris:

Yes, yes it does.

Bill Stoebig:

By default, though?

Mike Pollocoff:

By omission.

Bill Stoebig:

By omission, right.

[Inaudible]

Mike Pollocoff:

If it's not listed as a prohibited item then it's not permitted.

Jerry Franke:

Is this listed as a prohibited use, a truck stop?

Mike Pollocoff:

It's not listed as a permitted item.

Jerry Franke:

I thought that they said that it was listed as a prohibited use.

Mike Pollocoff:

Why don't you read through that.

Jean Werbie-Harris:

And the other thing just to clarify is that if we don't accept this definition then our default goes back to the dictionary definition. And the dictionary definition for a truck stop is a stop that provides services to trucks. So if you want to go back to the dictionary definition it means the same thing. Oar's is just more detailed and with more explanation we're going to default back to

that. It's still a prohibited use. And service facilities and truck stops provide services that serve the trucks and truckers.

Jerry Franke:

But that would also still be subject to a conditional use permit --

Jean Werbie-Harris:

No, it would not. No, it would not. Again, it's prohibited so I can't -- if it's prohibited I can't allow it as a conditional use or a principle use. We would have to rewrite the ordinance in order to allow it in one of those two districts or one of those two uses. If you change the district to expressly allow for it by listing it then you can by definition approve a conditional use, or by zoning administrator I can approve a permitted use. We have to change the ordinance. The definition by itself doesn't do anything with respect to what may or may not be requested by WisPark.

Tom Terwall:

To get this item moved, we currently have a motion on the floor to table. Is there a second?

[Inaudible]

Tom Terwall:

So you seconded, okay. It's moved and seconded.

Jim Bandura:

Do you have to close the public hearing?

Tom Terwall:

**IS THERE ANY FURTHER COMMENT? SEEING NONE I'LL CLOSE THE PUBLIC HEARING. WE HAVE A MOTION BY WAYNE KOESSL AND A SECOND BY MIKE SERPE TO TABLE THIS ITEM AND REFER IT BACK TO STAFF. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed?

Jim Bandura:

Aye.



Judy Juliana:

Aye.

--:

Aye.

--:

Four to three.

Jean Werbie-Harris:

Can you do a recall on it?

--:

I can't vote. I don't get to vote.

Jean Werbie-Harris:

Tom, we need a roll call because I couldn't hear.

Mike Pollocoff:

We can't hear who's voting which way.

Jan Petrovic:

Tom Terwall?

Tom Terwall:

Aye.

Michael Serpe:

Aye.

Wayne Koessl:

Aye.

Jan Petrovic:

Deb Skarda?

Mike Pollocoff:

Can't vote.

Jan Petrovic:

Oh, I'm sorry. Jim Bandura?

Jim Bandura:

No.

John Braig:

Yes.

Judy Juliana:

No.

Bill Stoebig:

No.

Tom Terwall:

**SO THE MOTION PASSES FOUR TO THREE, CORRECT? MOTION CARRIED.  
YOU DON'T NEED A DATE SPECIFIC, DO YOU?**

Jean Werbie-Harris:

I'm not sure what the direction was that the Plan Commission gave me. I understood the tabling, but what was the direction that you're giving me.

Michael Serpe:

My understanding was that we just research this to see what the possibility of this would be for a truck fueling station and the staging area that may or may not be possible.

Jean Werbie-Harris:

So are you recommending that the staff look at changing the ordinance?

Tom Terwall:

Yes.

Wayne Koessl:

We thought that we were throwing the ball in WisPark's court to sit down with staff to see if something could be worked out. That was my feeling.

Mike Pollocoff:

As I indicated WisPark and the Village are going to cooperate on a market strategy for this area. I don't know how long that's going to take, and I don't know if it would be longer than what WisPark wants to engage in. If they just want to bring in -- have their proposal be the item we consider as the basis for changing the ordinance.

Jim Bandura:

So, Mike, any way you look at it there's going to be a long period as to whether you rewrite the ordinance or if this gets passed just as a clarification there's still going to be a period where Mr. Franke is still going to have to bring in a proposal to say that he wants this type of facility, correct? And any way you look at it this ordinance is going to have to be rewritten.

Mike Pollocoff:

It won't take him long to bring in a proposal I don't think.

Jerry Franke:

But if we bring in a proposal now the answer is no.

Jean Werbie-Harris:

Right.

Jerry Franke:

Because it falls under the definition of truck stop, and truck stops are not permitted in the district. So bringing a plan into Jean or Mike or whomever I might as well bring in, I don't know, space station plans because it's got the same relevance.

Jim Bandura:

But the staff can still take a look at it.

Jerry Franke:

No. We've shown them -- and quite honestly I'm done spending money on site plans and layouts for a fueling station only every time we come in it's like a maze. As I said, a year ago February, March, we had somebody saying if you do this we'll support it. Never was mentioned, hey, by the way truck stops are not allowed in the Village. So this has all been a surprise as of last night. I did not know that truck stops in any form were prohibited even though I didn't think I was asking for a truck stop. I've been there. We fought Flying J along with Mike. So all's I'm

looking for is something that is more than 2015 than 1951. And to me gasoline stations and truck stops are 1951.

Tom Terwall:

And, Jerry, I think what the Plan Commission is saying we would like you and the staff to come up with a proposal and if we can change the ordinance in a mutually agreeable fashion --

Jerry Franke:

I know that Mike thinks the only reason I want to do the consultant study is to get this fueling station. No, what I would like to do is I would hope we could get this thing going quick enough so they're on a parallel track. But, like I said, there's over 100 acres of land out there for commercial, office and retail and service. Everybody talks about a conference hotel. Sorry to bust your bubble, ain't going to happen. The only kinds of hotels that are going to go there are like the ones like the Hampton that just went to Highway 50. This is not a conference hotel location. Hotels are flying off the shelf right now, but we can't get anybody interested in this one. They all want to be in 50. We need to have a strategy to start getting this thing in front of more people so we can get the tax base enhanced, so the TIF can be retired sooner, yada, yada, yada.

Tom Terwall:

I agree. So that's it.

Mike Pollocoff:

So it's going to get tabled. Okay, we'll get working on it.

**B. Consider the request of Andrew and Caren Richard for approval of a Certified Survey Map to subdivide the property located at 9222 30th Avenue into two parcels.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, consider the request of Andrew and Caren Richard for approval of a Certified Survey Map to subdivide the property located at 9222 30th Avenue into two parcels.

The petitioners are requesting to subdivide the property located at 9222 30th Avenue into two parcels. The property is currently zoned R-4, Urban Single Family Residential District, which requires lots to have a minimum frontage of 90 feet on a public road and a minimum lot area of 15,000 square feet.

Lot B-1 is proposed to be 22,088 square feet with 92.64 feet of frontage on 30th Avenue, and Lot B-2 is proposed to be 29,316 square feet with 167.09 feet of frontage on 30th Avenue. Lot B-2 has an existing single family home. 30th Avenue is a dedicated right-of-way with a gravel road adjacent to the Kenosha County Bike Trail, and the common lot line between Lot B-1 and B-2 is the centerline of the drainage ditch and the existing drainage easement. It was an existing drainage easement that had been dedicated CSM 1562.

A new home on Lot B-1 will be required to connect to municipal sanitary sewer on 30th Avenue, and since there is no water in the area the new home will need to install a well. In addition a new home will be required to meet the minimum requirements of the R-4 District which includes the following setbacks:

- Setback to the property line adjacent to 20th Avenue of 30 feet.
- Setback to the side property lines of 10 feet and not located within any easements, 15 feet from south property line.
- Setback to the rear property line of 25 feet.

The proposed land division conforms with the minimum regulations of the R-4 Zoning District requirements relating to lot area and lot frontage. And the staff recommends approval of the Certified Survey Map subject to the above comments and the conditions outlined in the staff memorandum.

Tom Terwall:

Any comments or questions?

Wayne Koessl:

Chairman, I'd approve the approval of the CSM subject to the conditions outlined by staff.

Judy Juliana:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM 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 the request of Melissa Roman on behalf of Centerpoint Wispark Land Co. for approval of a Correction Instrument to CSM 2339 for the Rescission of the Trans 233 Restriction on the property generally located at the southwest corner of STH 165 and CTH H.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is the request of Melissa Roman on behalf of Centerpoint Wispark Land Co. for approval of a Correction Instrument to CSM 2339 for the Rescission of the Trans 233 Restriction on the property generally located at the southwest corner of Highway 165 and Highway H. The petitioner is requesting approval of a Correction Instrument to CSM 2339 for the Rescission of the Trans 233 Restriction related to the 50 foot highway setback to Highway 165 on the property generally located at the southwest corner of 165 and Highway H. Any buildings or structures and parking and maneuvering lanes on the site will be required to meet all of the Village Zoning Ordinance requirements and setbacks. The staff recommends approval of the correction instrument subject to the document being executed by all parties and recorded at the Register of Deed's Office in Kenosha County and a copy being provided back to the Village within 30 days of the Board's approval.

Michael Serpe:

So moved.

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 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.

**D. Consider the request of William and Cindy Gossett owners of the properties located at 12658 Timber Ridge Drive and 6540 126th Place for approval of a Lot Line Adjustment along the common lot line of said properties.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a request of William and Cindy Gossett owners of the properties located at 12658 Timber Ridge Drive and 6540 126th Place for approval of a Lot Line Adjustment along the common lot line of the properties.

The owners of the properties located at 12658 Timber Ridge Drive which is identified as Tax Parcel Number 92-4-122-343-1030 and the second property located at 6540 126th Place

identified as Tax Parcel Number 92-4-122-343-1040 within the Timber Ridge Subdivision are proposing to adjust the common lot line between the two properties so that the common lot line is parallel to the adjacent homes thereby providing a greater setback between the homes, 7.9 feet. By adjusting the common lot line, it will allow the home on 126th Place to have a more uniform front yard and the home on Timber Ridge Drive to have a more uniform back/side yard.

Both properties are zoned R-5 (PUD), Urban Single Family Residential District with a Planned Unit Development Overlay District. After the adjustment, both lots will continue to meet the Timber Ridge PUD requirements. The Lot Line Adjustment will comply with the requirements set forth in the Village Zoning Ordinance and Land Division and Development Control Ordinance. And the staff recommends approval of the Lot Line Adjustment subject to the petitioners recording the property transfer and deed documents with the plat of survey for the Lot Line Adjustment as an exhibit at the Kenosha County Register of Deed's office and providing a copy back to the Village within 30 days of the Village Board's approval.

Tom Terwall:

The Gossetts the owners of both parcels?

Jean Werbie-Harris:

Yes, they are.

Tom Terwall:

Thank you. What's your pleasure?

Wayne Koessler:

Move approval.

John Braig:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG 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.

**7. ADJOURN.**

John Braig:

So moved.

Judy Juliana:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

**Meeting Adjourned: 6:51 p.m.**