

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
December 12, 2016**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on December 12, 2016. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Deb Skarda; Jim Bandura; Judy Juliana; and Bill Stoebig. John Skalbeck (Alternate #1) and Brock Williamson (Alternate #2) were excused. Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Kristina Tranel, Community Development Department.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER APPROVAL OF THE NOVEMBER 14 AND 28, 2016 PLAN COMMISSION MEETING MINUTES.**

Judy Juliana:

Move to approve.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JUDY JULIANA AND SECONDED BY JIM BANDURA TO APPROVE THE MINUTES OF THE NOVEMBER 14TH AND NOVEMBER 28TH PLAN COMMISSION MEETINGS 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 appears on the agenda as a matter for public hearing, we would ask that you hold your comments until the public hearing is held. However, if you wish to raise an issue that's not a public hearing now would be your opportunity to do so. We'd ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens comments?

6. NEW BUSINESS:

A. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN AMENDMENT for the request of Daniel Szczap, on behalf of Bear Development for the vacant properties generally located west of 94th Avenue and 97th Court, between Prairie Ridge Blvd., and CTH C (Wilmot Road) for the redevelopment of the condominium area known as Arbor Ridge for a single family lot subdivision that will include about 46 single family lots.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this first Item A is consideration of a Conceptual Plan Amendment for the request of Daniel Szczap on behalf of Bear Development for the vacant properties generally located west of 94th Avenue and 97th Court between Prairie Ridge Boulevard and County Trunk Highway C or Wilmot Road. This is for the redevelopment of the condominium area known as Arbor Ridge for a single family lot subdivision that will include about 46 single family lots.

The petitioner is requesting then several approvals for the redevelopment of the Arbor Ridge Development. This area is identified further as Tax Parcel Numbers 91-4-122-082-0490 and 91-4-122-082-0501 thru 91-4-122-084-0530. Again, previous to this or currently it is a condominium development, and for that reason there are several tax parcel numbers that are pursuant to this project.

As some background information, the area was platted and private roadways were constructed, gravel base only, and public sewer, water and storm sewer improvements were installed in 2006. Due to the recession in the late 2000s this area did not develop as planned. The petitioner is proposing to vacate the condominium plat and replat the properties with private roadways and work with as much of the existing public infrastructure as possible to a create single family lot subdivision. Mass grading and several of the public improvements were installed; however, again, due to the recession this area remained vacant, and the petitioner is proposing to purchase the properties and also downzone the land from a multi-family zoning district to a single family zoning district, again, looking to create about 46 single family lots while using that infrastructure if possible.

On December 5, 2016, the Village Board approved an amendment to the Prairie Ridge Neighborhood Plan, Ordinance 16-43, for this development. The Prairie Ridge Neighborhood Plan that was originally adopted in 2004 indicated that this 26.7 acres of land would be developed with 98 condominium units. The amendment proposes to allow for the development of the

properties with single family lots. This number of lots, this 46 that are proposed, may be decreased as part of the planning and development process and after we've gone through all the engineering for this site. This change represents a decrease of 52 residential units.

In accordance with the Village's 2010 Comprehensive Plan, the Prairie Ridge Neighborhood is classified as an Upper-Medium Residential land use category which requires the average lot area per dwelling unit to fall within a range of between 6,200 square feet and 11,999 square feet per dwelling unit. This allows for areas of the neighborhood to have larger lots while some areas have smaller lots. The net density of the neighborhood as amended decreased from 9,194 square feet per dwelling unit to 9,410 square feet per dwelling unit. This density is in compliance with the Village Comprehensive Plan.

Conceptual Plan: The petitioner is requesting approval of a Conceptual Plan to create 46 single family lots that range in size from 10,023 square feet to 24,604 square feet per lot. The average lot size of 14,576 square feet. The petitioner is requesting that the interior roadways which are 98th Circle on the north end and Ridgeway Court which is at the south end, continue to be private roadways that are installed and maintained by the Arbor Ridge Homeowners' Association, similar to as if this land was developed as a condominium. The water and sanitary sewer mains and stormwater mains within the private roadways and any easements will be public and maintained by the Village.

In addition, the required developer shall execute a development agreement and financial security to install both the public and private improvements with the required exhibits, a memorandum of understanding and an indemnification agreement, and this is all related to the private improvements. The MOU shall clearly outline the Arbor Ridge Homeowners' Association responsibilities for this roadway maintenance including snow plowing, salting of the private streets which is 98th Circle and Ridgeway Court, and the long-term physical maintenance, repair and replacement of those private roadways, the curb and gutter, pavement markings, street signage as well as the maintenance of public sidewalks on 97th Court and 94th Avenue. The pedestrian path from Prairie Ridge single family subdivision to the west to 97th Court also does need to be maintained.

This MOU shall be recorded on all properties within the development to ensure that all owners and future owners of the development understand what these requirements are. Each owner shall sign a document indicating that they clearly understand the maintenance and financial responsibilities of the MOU and indemnification agreement prior to and as a condition of issuance of the building permit for the construction of the new homes. The petitioner shall submit a draft maintenance plan and budget for Village staff review and so that the MOU and indemnification agreement can begin to be drafted with consultation from the Village's attorney.

Due to the size of the lots and the use of private roads, the Village staff is recommending that this project be developed as a Planned Unit Development or a PUD, and staff would support a variance related to the lot depths being reduced from the minimum of 125 feet for Lots 1 through 4, 7 and 8. Again, a variance would be needed to be approved by the Village Board, and it should be considered at the same time that the preliminary plat is considered. The Village staff would recommend that the single family lots include the adjacent private roadways, that this area be rezoned into the R-4, Urban Single Family District. Any wetlands to remain to be rezoned into the C-1 District and the outlots be rezoned into the PR-1, Park and Recreational Zoning District

The entire development would be placed into a PUD overlay with our recommendation. As part of the PUD overlay, the Village staff would support the development provided that the average lot size is about 15,000 square feet. It is recommended that Lots 14 through 19 be readjusted to remove one lot so that there is a better transition between the adjacent single family lots in the Prairie Ridge Subdivision. Lot 24 will also likely need to be removed due to the significant grade changes. Again, we're working through that with the engineers. Furthermore, the Village staff recommends that the lots shall be a minimum of 80 feet in lot width with lots on a curve being reduced to 45 feet. A minimum lot area of 10,000 square feet is going to be needed in that the internal roadways could remain private to be maintained by their association. The frontage on Lots 19 and 46 needs to be increased to meet the minimum 80 feet frontage requirement.

As part of the PUD and support for the lot depth variance, the Village staff would support the following setbacks for all structures:

- 50 foot setback to 97th Court and 94th Avenue;
- 25 foot setback to internal private roadways; however, the setback is required to be increased on lots that are on a curve because the minimum width of 80 feet is required at the setback line;
- 10 foot setback to side lot lines;
- 25 foot setback to rear property lines, non-street property lines; and
- Corner lots that have three setbacks we'll need to note that the front street setback to the private roads should be absolute and noted on Preliminary and Final Plats. In other words, no modification or encroachments into the setback areas would be allowed. And this will apply to easements as well.

Just so you know that typically if we have a 10 foot side setback measured as measured from the foundation of a home to a lot line, the ordinance currently allows encroachments such as bay windows and box windows, fireplaces, things like that that could encroach into those setbacks and cantilevers. So it varies two, three or more feet. And what we're saying is they have to be absolute. That total envelope of the structure not just measured from the foundation has to fit within the area as designated just because these easements are going to be very tight.

The rear yards abutting the west shall have no flat backyards. If you've been out there you can tell that there is significant grade changes as you continue to go to the west. So there will be no filling. Some lots have 20 foot grade difference between the front and rear lot lines. No retaining walls will be permitted unless installed by the developer with the initial grading. So what we're saying here is we can't have a walkout, a lookout, no basement. I mean we need to make sure that it's consistent across that whole west side because of that significant grade change. So if these are all walkout basements, they need to all be walkout basements. And we can't have someone put in a retaining wall because they want a flat backyard for their kids to play in. These are going to be very unique lots, and they're not going to be like our traditional flat subdivision farm field lots. They're going to be very unique. And so we can't have homeowners, their contractors manipulating the grades out there.

As part of the PUD and due to the significant grade changes and lot size, the Village staff will recommend that there shall be no above ground fences or dog runs. Underground electric fences only for dogs. There shall be no outbuildings, gazebos, sheds, pools, trampolines, swing sets,

plastic storage bins/sheds outside on the lots. Again, due to these grade changes it will make all of that very difficult. All decks and patios or hot tubs shall also meet above stated setbacks, and hot tubs would be allowed if on the deck or patio. The developer shall ensure that the deed restrictions for the development are consistent with the requirements of the PUD. Further discussion may be warranted related to the size of the garage and if side-loaded garages will be permitted, again, because of the grade changes.

Individual access for the single family lots will be from the private roads and will need to be further reviewed for placement of the required street trees as well as the sewer and water laterals. No driveway access will be allowed to 94th Avenue and 97th Court. Corner lots shall have their driveway locations clearly marked on their plans. No exceptions to the restricted access requirements for corner lots. The lot width location of the sewer/water/storm laterals shall be shown on the plans to ensure that all lots have adequate access and at least one street tree is provided per lot adjacent to the private streets. Again, where this comes into play is primarily on that south end where we've got those tight radiuses around Ridgeway Court. We need to make sure that we've got a driveway and the laterals and the street tree. So that's why those frontages on those curbs might have to be increased so that we can make sure we've got all those different elements that are coming into the property. And we don't want the laterals underneath the driveways.

In addition, the Village staff is recommending that there shall be a pine tree screening adjacent to 97th Court and 94th Avenue within a 10 foot private landscape easement. As part of the development the 10 foot private landscape easement on the lots along 97th Court and 94th Avenue may want to include a continuous decorative aluminum fence of the same height, style, color and size which is installed as part of the developer's responsibility. Again, because this is really the back of these single family lots now, but it's the front door to the rest of the development in that area, we want there to be a continuous frontage. And, again, there are a number of lots that are technically through lots because they have private access, roadway on one side and public on the other, so we need to make sure that there's a consistent quality looking appearance and that we don't go from one style of fence to the other, this height to another. There need to be some restrictions, and overall it will appear more like a condominium because of that consistent appearance.

With respect to the outlots, Outlot 1 is proposed to be dedicated with a fee interest transfer as common open space to the Arbor Ridge Homeowners' Association, Inc. The outlot shall be labeled as Outlot 1 Dedicated by the Developer to the Arbor Ridge Homeowners' Association, Inc. for Open Space, Access and Maintenance Purposes. There shall also be an easement over this same area of the outlot granted to the Village for those same purposes.

Outlot 2 is proposed to be dedicated to the Arbor Ridge Homeowners' Association, and will be dedicated as identified as Outlot 2 Dedicated by the Developer to the Arbor Ridge Homeowners' Association, again, for Open Space and Wetland Preservation and Protection, Access and Maintenance Purposes. The wetland areas shall be separately described with a legal description. There shall also be an easement over this same area of Outlot 2 granted to the Village for those same purposes. If the wetlands are determined to meet the artificial wetlands exemption from the DNR and are intended to be filled, then this outlot shall be labeled the same as Outlot 1. So this is an area that's on the south end.

Outlot 3 is proposed to be dedicated, again, as common open space and a pedestrian path to the Arbor Ridge Homeowners' Association. The outlot shall be labeled as Dedicated by the Developer to the Association for Open Space and Pedestrian Access and Maintenance Purposes. This shall also be an easement over this same area of the outlot granted to the Village for these same purposes.

Outlot 4 is proposed to be dedicated also to the Arbor Ridge Homeowners' Association and this Outlot 4 would be Dedicated for Storm Water, Drainage, Retention Basin, Access and Maintenance Purposes. And there shall also be a similar same easement over this same area granted to the Village for these maintenance purposes.

Wetlands: The wetlands within the undeveloped properties have been found in two areas of the site as noted on the screen, one within Outlot 2 and another within the area identified for proposed lots that was originally created as a temporary sediment trap. The petitioner is seeking an artificial exemption status from the Wisconsin DNR for both of these areas. If these exemptions are not obtained, the wetlands will need to be rezoned into the C-1, Lowland Resource Conservancy District. And the Village's Comprehensive Land Use Plan Map will also need to be amended. In addition, possibly Lots 25 through 28 would need to be adjusted or eliminated.

And, finally, our last comment pertains to the existing condominium plat that exists on the property. This plat would need to be vacated and would need to have recommendation by the Plan Commission and approval by the Village Board in order to move forward with the single family development. With that this is a matter for public hearing. A representative from Bear, Dan Szczap is here if you have any questions. As you know, this item was before the Plan Commission and the Board at their last meetings, and that was to approve the Neighborhood Plan to support single family in this area as opposed to the multi-family condominium. I'd like to continue the public hearing.

Tom Terwall:

Thank you.

Dan Szczap:

Dan Szczap with Bear Development. I'm here to answer nay questions you might have. I just did want to point out a couple items for further discussion and clarification.

Tom Terwall:

Go ahead.

Dan Szczap:

First, as it relates to the setback from 97th Court, staff is recommending a 50 foot setback in that area. We would like to discuss the possibility of having some relief as it relates to Lot 38. I believe the intent of the setback was to preserve rear yards. And Lot 38, in fact, that setback affects a side yard. If you take 50 feet off that line 38 becomes basically unbuildable. So it's a

17,000 square foot lot. But with that setback the building envelope becomes quite challenging. So we'd ask for some further discussion that.

And then as it relates to the overall density of the neighborhood it was reported that we are decreasing the number of approved units by 52 units, and we're in compliance with the Village Comprehensive Plan. And then as the PUD recommendation is to remove a home site in the area of Lots 14 through 19. We're just asking for maybe some reconsideration on that. It's a very challenging projects, and it's one of the areas in this entire development that there's some [inaudible] construction. So our average lot size is 14,500 square feet. I know it's going to be changed and amended as we go through engineering. But considering that we're reducing the overall density by 52 units we'd ask for some consideration in that regard.

And, finally, we had a brief discussion before the meeting about some of the comments in the engineering staff review. When we designed the project we honored and designed around the existing recorded easements, storm sewer, sanitary and water. We've been requested to enlarge the easements, widen them by 10 to 20 feet which really affects some of the building pads on these lots. We're not requesting to deepen any of the infrastructure, so we'd ask that we could have some consideration of keeping those easements as they were recorded.

Michael Serpe:

It sounds to me like we have a few items here that I don't know that we should be making a decision on this tonight. Maybe I'm wrong, Jean, but there's something here that might be significant for you to look at further.

Jean Werbie-Harris:

We have looked at all three of these requests, and the concern that I think our engineers have as does planning staff is that until we have some additional information we just want to make sure that a home of proper size, design and character can be built without there being any significant problems or concerns with respect to its construction. And so I know that we've been working through. I'd ask Matt to maybe comment on the easement. I know that there was at least two locations that I know that he had expressed some concern just because of the depth and the type of easement of the utilities that were there. But that's something that we typically would continue to work through as we get into the next phase of this engineering. I think that they're looking for some direction from the Plan Commission and the Board because I know that they're in a very tight time frame with respect to acquisition of this property. And so that's what they're looking for this evening.

With respect to the Lot 38, it may be possible to reduce it by five feet. But, again, what we're trying to do is maintain a similar site line setback along this 97th Court which is the collector street that runs through this area. And not to bring any lots any closer to that. So I guess I'd be curious as to whether or not they could maybe come up with a home plan that may or may not work. But, again, I wouldn't look at more than five feet at most. The intent is that if you have a lot built to its maximum then there absolutely will be no backyard, side yard, and then that could create issues and problems as well. So I will certainly look at it, and I'd be willing to discuss it with the developer.

Lot 7 actually or 8 that actually was a road. And we've already given back that particular area in order to create an additional lot in that area. So we already gave back that one already. So with respect to whether or not a lot should be taken away between 14 and 19 the question is can Lot 13 be reduced in size because that's almost one and a half times all the other lots. There's an easement between 13 and 14. Is there an easement between 12 and 13?

Michael Serpe:

If you're confident you can work through these things.

Jean Werbie-Harris:

I think so. My main concern is I'd like to see some footprints of what they're looking at for homes in these areas. And I just want to make sure that we can be consistent with respect to the homes that we put out there.

Michael Serpe:

While you're up here if I can ask a couple more questions. The houses themselves, two car, three car garages, what are you looking at?

Dan Szczap:

A mixture, but we would likely build three car garages.

Michael Serpe:

The reason I ask that I see no sheds are allowed. Some people like to have yard equipment, snow blowers. And with a two car garage that means something's going to sit outside.

Dan Szczap:

The intent of the design of the development was to have adequate lot width to accommodate a three car garage. I think some of the areas on this property, especially the backyards on the western side wouldn't accommodate a garden shed.

Michael Serpe:

And I have a question to staff. Do we have provisions in place for private road maintenance to ensure, insist that the roads are maintained?

Mike Pollocoff:

That's what the MOU is for that Jean describes. And then also part of the covenants that would be described and signed off on by the property owner at the time of --

Michael Serpe:

What I'm saying is that let's say that the road is deteriorating and they're not addressing the repair, do we have any leverage on that?

Jean Werbie-Harris:

Well, two things. We're working with our attorney Tim Geraghty and their attorney. And we are going to be set up what's known as a PASER rating in order to evaluate the roads just like we would for public roads. But there's going to be an evaluation of the roads every year. So you know how some condominium developments probably let things slide, they let things slide. Well, this will have to be evaluated each year so that they know what the condition of the roads are and when they can anticipate these special assessment costs or to make sure that they are putting away enough money each year in their fund in order to pay for these improvements. And so we're trying to set up a number of different things like that. And then that's why we've asked to see their budget and how much money is going to be put into that budget and how it's going to be managed. And Bear will be doing all of that initial management. And actually we're recommending that there be a management company that take it from there in order to manage their funds for these improvements.

Michael Serpe:

One last question. Do you have any idea what the homeowner association's dues would be, a ballpark figure?

Dan Szczap:

I'm guessing they're going to exceed \$600 a unit per year.

Michael Serpe:

A year per home?

Dan Szczap:

Every unit that you reduce that's just one less contributor to that road maintenance. That's one of the reasons why we're asking it be a private road with the reconsideration of keeping as many of these units so there are contributors to the [inaudible]. So I'm guessing there's really -- I don't think there's a way to have it less than \$600 a year. I mean those are really rough estimates. There isn't a whole lot of other public open space that would require maintenance. So it really is the road is the major component. But that would have been the case with 98 condo units, too.

Michael Serpe:

Okay.

Jim Bandura:

Just out of curiosity, maybe you know the square -- getting back to Lot 38, do you know what the square footage would be left if the easements were left in place?

Dan Szczap:

Well, Lot 38 is 16,839 square feet. And it will remain so even with that 50 foot setback off of 97th. It will be part of the lot, it's just that they're going to have a 50 foot side yard with a landscape easement as well. So what we were thinking is, okay, well it's probably more important to preserve the usability of the rear yard rather than the side yard. So can we pick up some area there so we could just widen our building pad. Because I think right now it's at 40 feet, right? So 40 feet hard to fit any kind of building product on that pad. I mean it can be done, but it's going to be a side yard, not really a rear yard. As you go down 97th Court to the south we can see why you'd want to preserve more of a rear yard. These function as a rear yard. That particular one is the side yard. So we thought, okay, can we have some discussion on that particular site.

Wayne Koessl:

This is through staff. On Outlot 3 I look at that Ridgeway Court there going to the south, it's about 28 lots with 21 entrants. Has the fire department looked at that or can Outlot 3 become an entrance on emergencies?

Jean Werbie-Harris:

Outlot 3 is actually the bike access, it's a walkway. And bike access through 82nd Place and through the single family subdivision to go through this particular area. The roadway that was eliminated or that little access driveway was between Lots 7 and 8. But, yes, the fire department did look at this. And early on they said that they would support the removal of the private roadway between 7 and 8. But where Outlot 3 is that was always intended to be a walkway or a sidewalk or bike lane to get people back and forth.

Wayne Koessl:

That can be used for an emergency then?

Jean Werbie-Harris:

Absolutely not. It's not wide enough for any type of vehicles. It's only 20 feet wide.

Wayne Koessl:

Then they're only going to have one entrance for 28 lots?

Jean Werbie-Harris:

He said it was acceptable, yeah. There's such a significant grade change that --

Dan Szczap:

There will be a bridge there.

Jean Werbie-Harris:

Yeah, that there might need to be a little bridge there. But it's going between two single family lots. It's a maximum of 20 feet wide. They wouldn't be able to get any type of vehicle through there.

Tom Terwall:

Jean, since [inaudible] a conceptual plan, the last thing I want to do is we don't want any more discussion with staff then we're not in a position to make a decision on some of their requests. If we go ahead with this does that preclude the staff from continuing these discussions with the developer?

Jean Werbie-Harris:

No, because they're still in the staff comments right now unless you take them out. I mean we'll continue to discuss this project with the developer and his engineers and our engineers. But I mean I think I was hearing that he just wanted you to consider this. I don't know if he asked you to take it out. I mean our intent is not to make the development undevelopable, but we just want to make sure that it makes some sense and what could be built and where it could be built and how it's going to look.

Michael Serpe:

I guess a fair statement let me ask you this. If it were left as is you'd have a problem developing this, right?

Dan Szczap:

It becomes just much more challenging. So if we can work through I think like the easement widths I think that we can show -- by basically programming those lots with certain homes, okay, those four easements affect eight lots. So now we have to think about those eight lots are restricted on what kind of product can go there. It doesn't kill the development. Lot 38 it becomes a lot more challenging. And then the density, again, it's not critical. But thought was is like it's a tough project. And if we're reducing the density by over half is there a reason to take one out in that particular location? It's just thoughts. When I'm looking through the review comments I just wanted to bring them up. No, the comments I think that we still have a really good project. It just becomes increasingly challenge to build on.

Michael Serpe:

Mike, do you have any thoughts on that?

Mike Pollocoff:

I think it's a conceptual plan. I wouldn't recommend -- I'd be hard pressed to recommend any changes to the easements. It needs the tight tolerances to work around to begin with. And to the extent that some of the things are deeper I wouldn't want to change that. As far as adding a lot in or taking a look at making 38 set back a little bit more, those are things I think as Jean goes through the report or as we go through it and get more in depth we can take a look at that. I think that's something we can bring back as we get closer to the final. But I really don't think that -- given where we're at I don't think it's prudent to negotiate the development agreement from the dias without giving you guys a written alternative of what it could be, and that hasn't been done yet. So I just as soon that happened at the next step.

Michael Serpe:

So you wouldn't have a problem with us approving this as is?

Mike Pollocoff:

As is with some direction to evaluate some of the requests they've made and bring that back in an alternative format or a written format as a recommendation from staff.

Jim Bandura:

There's quite a bit of comments on the conceptual grading plan. And I'm a little uncomfortable with making a decision outside of having staff say, yeah, you'd work with the developer regarding some of the easements. But I agree with you, Mike, I don't think I would adjust any easements going forward outside of working on Lot 38 or whatever. And on the conceptual there was some things that I thought that shouldn't be noted as future, future drainage outlet in between 98th Circle. So I'm not comfortable with it, but I am comfortable with it coming back and having more of these questions answered for the Commission.

Mike Pollocoff:

When we get to the preliminary plat we can have those engineering alternatives or resolutions for you. But we can give you the recommendation based on the developer's request and based on what the science is telling us as far as what the infrastructure should look like or the grading or the setbacks. The tolerances, especially on the back side, it's not our normal subdivision with grading. So we want to be especially cautious in that area.

Jean Werbie-Harris:

The developer was looking for as many detailed comments as he could get from us prior to completing his purchase and moving forward with this project. So he needed to understand all of the different issues. And our engineering department really went through and really put together as much as they could. Again, this is really basic preliminary engineering. Typically to get more in depth into that engineering that's when a developer usually gets to that next step which is that preliminary plat. But they typically don't have final engineering at a conceptual plan stage. So as a result we wanted to bring everything that we thought would be possible to their attention that

we thought would be an issue so that they could evaluate it, and then we could go through it with their engineers. So that's why there's so many comments.

Jim Bandura:

If that's the case for additional input, there was a site plan in this that there was a little wetland spot, and it was in between 98th Circle and Ridgeway Court, am I correct?

Jean Werbie-Harris:

Right, it's up on the screen right now. That was actually like a sedimentation basin that was created as part of the previous development and the Senior Lifestyle development just to the east. So that was created in order to have a temporary basin. The problem is that it was never filled yet because it was still being used and it's being used currently. And so it was artificially created. And so they're waiting for the DNR to confirm that it was artificially created so that they can actually fill that in. It's pocketed, isolated wetland that became that after it was dug out and is a temporary pond to collect sediment during construction.

Dan Szczap:

Can I explain this a little further because it is pretty unique. DNR state statutes allow a couple exemptions from the [inaudible] rules. One is an engineered stormwater management basin which this is. So what I've done is I've submitted an artificial wetland request to the DNR with the old plans that are approved. When you look at the old grading plans for Arbor Ridge condos this shows up as a temporary basin. So I've had verbal discussions and emails from the DNR that says straightforward you're going to be granted your request. But I don't have the official paperwork yet. So, in fact, when we had a wetland delineation done out there it shows up as wetland even though it's artificially created and it was engineering as a stormwater basin.

The condominium development that was approved for this site contemplated the same thing. That as the project development that the [inaudible] spoils were going to fill this area. There's actually a storm sewer pipe that needs to go through right through that area that's shown as wetland. So it's artificial. It's a hoop we have to jump through but it's manageable.

Tom Terwall:

This is a matter for public hearing. Is there anybody else wishing to speak? Anybody else wishing to speak? Hearing none I'll -- go ahead, Mike.

Michael Serpe:

Tom, I would move approval of the conceptual plan as is with the understanding that staff continue deliberations with the developer to iron out some of the concerns that we have.

Wayne Koessler:

I'll second that, Chairman, subject to the comments of the staff report of December 12, 2016.

Tom Terwall:

IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY WAYNE KOESSL THEN TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN AMENDMENT 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.

Dan Szczap:

Thank you very much.

Tom Terwall:

Thank you.

B. Consider the request of Matt Carey of Pinnacle Engineering Group on behalf of CenterPoint WisPark Land Company LLC for approval of a Certified Survey Map for the property generally located at the northeast corner of 88th Avenue and 116th Street in LakeView Corporate Park.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Item B is to consider the request of Matt Carey of Pinnacle Engineering Group on behalf of CenterPoint WisPark Land Company LLC for the approval of a Certified Survey Map for the property generally located at the northeast corner of 88th Avenue and 116th Street in the LakeView Corporate Park.

On March 14, 2016, the Village Plan Commission conditionally approved Site and Operational Plans for the construction of a 417,384 square foot speculative industrial building and related site improvements on the property. On August 22, 2016, the Plan Commission approved a time extension until September 14, 2017 for the petitioner to satisfy all of the conditions of the approval and obtain permits to commence construction. In addition, on March 21st the Village Board had conditionally approved a Development Agreement and related documents for the proposed public improvements in 80th Avenue for the development of this property.

Now at this time the petitioner is requesting approval of a Certified Survey Map to dedicate all of the required easements and the restrictive covenants for the development of the site as the petitioner would like to continue to move forward with the construction in the spring. So Certified Survey Map, again, just redefines the legal description of the property. And all of the

dedications and easements have been evaluated, and restrictive covenant language has been added to the CSM. The staff recommends approval as presented.

Wayne Koessler:

If there aren't any questions, Mr. Chairman, I'd move approval.

Jim Bandura:

I'll second.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA 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 Paul Schmitter on behalf of LakeView XVII Venture, LLC owners of the property locate at 10490 88th Avenue (Lot 52 in LakeView Corporate Park) for approval of Preliminary Site and Operational Plans for interior alterations to the 204,387 square foot building for a future manufacturing tenant.

Jean Werbie-Harris:

Item C is to consider the request of Paul Schmitter on behalf of LakeView XVII Venture, LLC, owners of the property locate at 10490 88th Avenue, Lot 52 in LakeView Corporate Park, and this is for the approval of Preliminary Site and Operational Plans for interior alterations to the 204,387 square foot building for a future manufacturing tenant.

On July 27, 2015, the Village Plan Commission had conditionally approved Site and Operational Plans for the development of a 204,387 square foot speculative warehouse distribution building on the a 12 acre property located at 10490 88th Avenue. This is the southwest corner of State Highway 165 and County Trunk Highway H in LakeView Corporate Park. The petitioner is requesting Preliminary Site and Operational Plans for the interior modifications to the building for a future manufacturing tenant. Final Site and Operational Plans are required for any one tenant occupying more than 50 percent of this building.

The facility is proposed to operate 24 hours a day, 7 days per week with employees working and deliveries and shipments taking place throughout those hours. They don't plan to be open to the public. It is anticipated that the building will have about 90 employees during year one and

eventually when the facility is at full utilization about 300 employees. The facility plans to operate three shifts per day. Employees per shift will be divided evenly 30/30/30 during year one and 100/100/100 at its full utilization. It is anticipated that there could be as many as 170 people onsite during a shift change.

The site has approximately 210 parking spaces including 7 handicapped accessible parking spaces which are more than sufficient parking spaces for the employee levels outlined. It is anticipated that year one daily average automobile trips to and from the site will be about 120. Eventually at full facility utilization about 360 auto trips per day are planned. It is anticipated that during year one about 25 truck trips for deliveries or pickups per day to or from site. Eventually at full facility utilization there will be about 100 truck trips per day. With that there is a representative here from CenterPoint if you have any questions for him.

Paul Schmitter:

Good evening. Paul Schmitter with CenterPoint Properties representing LakeView XVII Venture. We're here before you tonight to really get a little bit of a head start on this project. The building right now does not have a concrete floor poured. And our hope is to kind of treat this as a little bit of a two phase project. We need to install some underfloor drains and a couple concrete footings. And that would allow us to get the floor poured. And at a future date when we come back for final approval with all of our approved state plans, all of the details with all the stuff that Jean will require us to submit we would be looking for full permits for this building at that time.

Michael Serpe:

What's going to be taking place in there?

Paul Schmitter:

I'm not at liberty to say as of yet at the tenant request.

Michael Serpe:

Okay.

Bill Stoebig:

It's just one tenant occupying the whole property?

Paul Schmitter:

Correct.

Michael Serpe:

Nothing nuclear, right?

Paul Schmitter:

No.

Jean Werbie-Harris:

Then they'll need to come back to the Plan Commission for Final Site and Operational Plan. And at that time all of the additional details sometime in the very near future will be provided to the Plan Commission.

Michael Serpe:

How long before you can tell us? After the floor is poured?

Paul Schmitter:

It will be before the floor is poured, hopefully very, very soon. I wish I had a better answer.

Michael Serpe:

Did Werner have anything to do with this?

Paul Schmitter:

Everything.

Michael Serpe:

Move approval.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY JIM BANDURA TO APPROVE THE SITE AND OPERATIONAL 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.

Paul Schmitter:

Thank you very much.

Michael Serpe:

Good luck with the unknown.

D. Consider approval of Development Agreement and associated documents for the request of Jeff Marlow, of Lexington Homes for the proposed development of 3-49 unit apartment buildings, 10-8 unit apartment buildings generally located west and north of Bain Station Road and CTH H (88th Avenue) known as Fountain Ridge.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, Item D is to consider approval of Development Agreement and associated documents, and this is at the request of Jeff Marlow of Lexington Homes. It's for the proposed development of three 49-unit apartment buildings, ten 8-unit apartment buildings generally located west and north of Bain Station Road and County Trunk Highway H or 88th Avenue and is known as Fountain Ridge. The petitioner is requesting that the Village approve the Development Agreement and associated documents for the Fountain Ridge development.

On June 20, 2016, the Village Board approved the following applications related to the Fountain Ridge Development: 1) Comprehensive Plan which included an amendment to the Prairie Ridge Neighborhood Plan and amendments to the Land Use Plan; and 2) Conceptual Plan for the proposed development to include 19 single family lots and five lots for the development of three 49-unit buildings and ten 8-unit condo-style apartment buildings. And this was on a 34.5 acre property.

On September 19, 2016, the Village Board approved the following applications related to the Fountain Ridge Development: two Certified Survey Maps; a Grading and Drainage Development Agreement and associated documents and the Zoning Text and Zoning Map Amendments including the DSIS Agreement and Easement.

Each CSM included three lots. The eastern Certified Survey Map 2816 dedicated the public roads, 90th Avenue and 83rd Street that connect Bain Station Road on the south to 88th Avenue or County Trunk Highway H on the east. The public roads will be designed and constructed at the developer's expense to the Village's specifications including the installation of public sidewalks, public street trees and public street lights within the public street rights-of-way. In addition, public sidewalk will be extended along the north side of Bain Station Road between 94th Avenue and 90th Avenue by the developer.

The Village Board had approved the Grading and Drainage Development Agreement for the mass grading and drainage work for the development site so that the grading work could begin prior to the change of seasons. At this time the developer is proceeding to finalize the development construction documents and exhibits for the Village's consideration of the Development Agreement for the required public improvements. The approval of the Grading and Drainage Development Agreement allowed for the Village building permits to be obtained for buildings 3, 8, 9, 10 and 11 subject to the conditions set forth in the agreement. However, no verbal or written occupancy permits shall be issued for these buildings until all of the required public improvements are installed, completed, inspected and accepted within the development pursuant to the Development Agreement.

Both CSMs dedicate additional rights-of-way adjacent to both 88th Avenue and Bain Station Road for the future widening and roadway improvements with these streets. A traffic study has been prepared for the Village and Kenosha County to evaluate the traffic impact on the adjacent roadways and a future roundabout proposed at the intersection of H and Bain Station Road. The finalized traffic study will provide direction for the intersection improvements required to be completed by the developer.

There is a small portion of the property on a portion of Lot 3 of CSM 2816 adjacent to Bain Station Road, that there were some field delineated wetlands that were identified in October 2015 by the Wisconsin DNR Assured Wetland Delineator. These wetlands will remain unchanged on the property.

Lot 1 of the CSM 2718 adjacent to the Ashbury Creek Subdivision is proposed to be developed with 19 single family lots as shown and conditionally approved with that Conceptual Plan. As discussed with the Conceptual Plan, the approval of the 19 lots shall meet the minimum requirements of the R-4.5 Urban Single Family Residential District, which is the same zoning designation as the Ashbury Creek Subdivision. The 84th Place public right-of-way, which was dedicated with Ashbury Creek Final Plat between Lots 2 and 3, is proposed to be extended with a public roadway extending from 94th Avenue east into the single family portion of the development in the future. Public roads are proposed to be extended then both north and south and terminate in a cul-de-sac in the proposed single family subdivision area.

Stormwater management facilities for the proposed 19 single family lots would be installed in an outlot. The new public streets will be required to be constructed pursuant to the Village's new construction specifications which will require public concrete sidewalks on both sides of the public roadways. The development of the single family development in the future will require approval of a subdivision plat along with the related Development Agreement, Declaration of Restrictions, Covenants and Easements, By-Laws, Association Articles of Incorporation, street lighting, signage, street tree plans and other development documents at the time that that subdivision is proposed to be developed.

The apartment development area does not have any public or private roadway connections to the single family homes proposed to the west. In the multifamily area, new public roadways will be constructed with connections to Bain Station Road and 88th Avenue. In addition, private parking areas, fire lanes and access driveways will connect to the new public roads within the development. No direct driveway access will be provided or allowed to Bain Station Road or to or and 88th Avenue.

Based upon a recent Traffic Impact Analysis which evaluated other Village developments approved in the area, existing traffic count information for the nearby intersection and proposed traffic from this development, Kenosha County is proposing to reconstruct the intersection of Bain Station Road and Highway H in 2017. A roundabout has been approved by the County and is in its final design phases for that intersection. In anticipation of the new highway improvements, the developer had dedicated additional land for the widening of the Bain Station and H adjacent roadways via the Certified Survey Maps. PUD Ordinance 16-29 will be executed by the Village Board upon approval of this Development Agreement so that the PUD can be referenced the Development Agreement, and that's been discussed previously.

The Development Agreement shall be amended by March 1, 2017 to include engineering plans for the intersection improvements. So what I mean by that is that all of the public improvement work in both 90th Avenue and 83rd Street we have the final engineering plans with the exception of the intersections at H and Bain Station. That's a little bit further behind because it was timed with the roundabout work as well as additional work and evaluation by Kenosha County. So there technically will be one amendment to this development agreement which needs to come before the Plan Commission and the Board before March in order to address just those two intersections.

Staff is recommending that with the Plan Commission and Board's approval that there be a preconstruction meeting and the developer be allowed to proceed as early as next week in order to commence the underground improvements, the utilities if the weather will allow. The intention is that he can't obtain any occupancy permits or any additional building permits until these public improvements are completed. So he's going to be working aggressively over the winter months to get all these public improvements done.

With respect to the improvements in 88th Avenue, the developer is obligated to provide taper lanes and a bypass lane in H or 88th Avenue at 83rd Street, and taper lanes on Bain Station Road on 90th Avenue. A financial contribution shall also be provided by the developer for the widening of Bain Station Road. Again, that was part of the initial development agreement, and we've actually already received a draft of that letter of credit for those improvements as well. The staff recommends approval of this new development agreement along with all the exhibits as presented. And if you have any questions Carl is here to answer any questions that you may have with respect to the status and the progress that's being made in Fountain Ridge.

Tom Terwall:

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

Jim Bandura:

Move approval.

Wayne Koessler:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JIM BANDURA AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE DEVELOPMENT AGREEMENT AND ASSOCIATED DOCUMENTS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM DATED DECEMBER 12TH. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. ADJOURN.

Michael Serpe:

Move to adjourn.

Judy Juliana:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

Meeting Adjourned: 6:58 p.m.