

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
March 11, 2019**

A meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on March 11, 2019. Those in attendance were Michael Serpe; Mike Pollocoff; Wayne Koessl; Jim Bandura; Bill Stoebig; John Skalbeck (Alternative #1); and Brock Williamson (Alternate #2). Deb Skarda and Judy Juliana were excused. Also in attendance were Nathan Thiel, Village Administrator; Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Aaron Kramer, Deputy Planner and Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER APPROVAL OF THE FEBRUARY 25, 2019 PLAN COMMISSION MEETING MINUTES.**

Jim Bandura:

So moved.

Brock Williamson:

Second.

Michael Serpe:

**MOTION MADE BY JIM BANDURA AND SECONDED BY BROCK WILLIAMSON FOR APPROVAL OF THE FEBRUARY 25TH PLAN COMMISSION MEETING MINUTES. ALL THOSE IN FAVOR SAY AYE.**

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

- 4. CORRESPONDENCE.**

## **5. CITIZEN COMMENTS.**

Michael Serpe:

We have three items on the agenda tonight that are public hearings. You could hold your comments until those items are called. If there's anything else that anybody wishes to address this Board on now is your time approach. We ask that you give your name and address for the record. Anybody wishing to speak? Anybody wishing to speak? We'll close citizen comments.

## **6. NEW BUSINESS**

- A. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Section 420-125.1 L (4) related to allowing dock doors to face a public street in the M-5 Production Manufacturing District.**

Jean Werbie-Harris:

I'd ask that Items A and B be taken up at this time. I'll make one presentation but we'll need separate actions for both items.

- B. Consider approval of Preliminary Site and Operational Plans for the request of Jeff Raduechel, agent on behalf of Riverview LLC owners of the property located at the northeast corner of 120th Avenue (East Frontage Road) and 122nd Street (CTH ML) to begin mass grading for the proposed development of a 590,595 square foot manufacturing facility for Fresenius Kabi.**

Jean Werbie-Harris:

Item A, public hearing and consideration of a Zoning Text Amendment to amend Section 420-125.1 L (4) related to allowing dock doors to face a public street in the M-5 Production Manufacturing District. And Item B is consider approval of Preliminary Site and Operational Plans for the request of Jeff Raduechel, agent on behalf of Riverview LLC, owners of the property located at the northeast corner of 120th Avenue or the East Frontage Road and 122nd Street or County Trunk Highway ML. And this is to begin mass grading for the proposed development of a 590,595 square foot manufacturing facility for Fresenius Kabi. As noted, these items are related and will be discussed at the same time, however separate actions or motions are required.

The petition is the developer but recently created Stateline 94 Corporate Park, and is working on plans to install infrastructure including lift stations, sanitary sewer and water, roadway improvements for the development of the new corporate park. At this time Riverview LLC is requesting to begin mass grading on the northeast corner of 120th Avenue or the East Frontage Road and 122nd Street for its first building, a 581,375 square foot manufacturing building for Fresenius Kabi. As shown on the slide this is a multi-building proposed corporate park, and they intend to start on the south side, and at this time possibly work their way to the north for this development.

Riverview LLC is proposing to construct a new regional office and a pharmaceutical processing facility for Fresenius Kabi. Fresenius Kabi is a global healthcare company specializing in life saving medicines and technologies for infusion, transfusion and clinical nutrition applications. Their products and services are used to help care for critically and chronically ill patients, and the company is committed to putting essential medicines and technologies into the hands of people who help patients find the best answers to the healthcare challenges they face.

Fresenius Kabi provides high quality products with one of the most comprehensive product portfolios for core therapeutic areas. The company has a global network of marketing, sales and production sites and operates five business segments including clinical nutrition-parenteral, enteral nutrition and medical devices, intravenously administered drugs in oncology, anti-infective, anesthetics, analgesics and critical care segment, infusion therapy-infusion solutions, colloids for blood volume therapy and medical devices, and medical devices/transfusion technology, whole blood, autotransfusion, cell processing equipment and biosimilars focusing on oncology and autoimmune disease.

Fresenius Kabi is a licensed facility by governing bodies such as Board of Pharmacy, Drug Enforcement Agency and is operated as a Verified Accredited Wholesale Distributor Site all of which require strict policies and procedures for the movement and handling of products as well as a highly trained team of associates to administer the process. The entire facility will be operated in a validated temperature-controlled environment and Schedule II Controlled substances handling and areas, which require a DEA registered vault. In addition, the facility will be a secure environment with card readers, camera systems and full time security.

The hours of operation will be from 4:00 am to 11:00 pm with two shifts. It's estimated that at startup there will be about 100 employees, and that number could reach up to 164 employees by 2028. These workers will be skilled in operating equipment as well as all regulations related to cGMP, Drug Supply Chain Security and DEA requirements. They have a full electronic training system that ensures employees are trained on appropriate policies and procedures for their particular job function. Approximately 35 percent of the total employment is office and technical related functions at an average wage of \$79,000 per year. And the remaining 65 percent are operations and production functions with an average wage of \$41,400 per year for combined average wage excluding their benefits of \$54,065 per year.

There are 200 parking spaces including handicapped accessible spaces, 25 truck parking spaces and 44 dock doors. It is estimated that there will be approximately 500 automobile trips and 166 trips per day. Fresenius Kabi is planning to take occupancy in April of 2020. The property is zoned M-5, Production and Manufacturing District. The M-5 District provides for manufacturing, assembly, office, and research and development uses with limited warehouse and distribution uses within an enclosed structure where no high hazard uses are allowed. The M-5 District limits the storage and distribution areas to not more than 30 percent of the building, and that not more than 25percent of the exterior linear footage of the building be used for dock doors.

Fresenius Kabi's intended use and building design meets the requirements of the M-5 District and the building provides the following uses: office areas, cooler storage, controlled vault, processing area for receiving, raw material and finished products for assembly packaging, processing area for packaging and assembly and circulation.

Due to the development site being a corner lot and the proposed operations of the facility, the petitioner is also requesting approval of a Zoning Text Amendment to Section 420-125.1 L (4), and this is to allow dock doors to face a public street in the M-5, Production Manufacturing District. The Village staff is recommending that the amended to read: "Dock doors may face a public street; only under special circumstances with an approved screening and maintenance plan as approved by the Plan Commission."

Fresenius Kabi operations are such that materials arrive on the north side of the facility, are processed in the center and then leave the building on the opposite side or the south side thus having dock doors on both the north and south sides of the building. As such, dock doors will face 122nd Street. No truck traffic will exit the property to the south. The western access to 122nd Street is for passenger vehicles of the employees and visitors, and the eastern access to 122nd Street is a gated emergency access only. The dock doors facing south will be screened from view on 122nd Street. The building will be approximately 15.5 feet below 122nd Street, and a composite privacy fence with substantial landscaping including ornamental trees, evergreens and shrubbery will be installed along the southern property line to further screen the dock area from 122nd Street. As shown on the slide is a cross-section.

With respect to the Traffic Impact Analysis, a TIA has been completed as part of the Village's LakeView West analysis. The TIA was updated by the development. The TIA was approved by Wis DOT for the Stateline 94 Corporate Park. At this time, as part of the development, certain improvements will be made at the intersection of 120th Avenue and 122nd Street as well as turning lanes at the entrances to the development site.

With respect to the TID Project Plan Impact, the development will need to be in compliance with the overall Development Plans and the TID 7 Project Plan for the Stateline 94 Corporate Park including the Development Agreement. In addition, the Village will prepare and we will enter into a Memorandum of Understanding for the installation of the public improvements, lift station, sanitary sewer, water and roadway improvements with the developer. The Village will allow for the mass grading to commence prior to approval of the MOU and public improvement plans. However, we will want to see these in a final draft form for the Plan Commission and Board to review and approve.

The TEA Grant Application:, the Village with the assistance of the developer will make a Transportation Economic Assistance or TEA grant application to the Wisconsin DOT, and this is for additional financial assistance for the offsite public improvements in the East Frontage Road which is, again, subject to creation of jobs and a job guarantees with the State.

Some additional approvals required for this project:

1. Public Improvement Plans, Memorandum of Understandings, MOU, and Certified Survey Maps for the dedication of easements and additional right-of-way. A CSM will be completed for the lands in the Corporate Park north of the creek and a CSM for the lands south of the creek. In addition an MOU between the Village and the Wisconsin DOT is also required for the public East Frontage Road, 120th Avenue roadway improvements. And, again, just to be clear this MOU is needed between the Village and the DOT and then between the Village and the developer. So there are actually two MOUs.

2. Preliminary Site and Operational Plans for the construction of underground utilities and footing and foundation along with full civil plans is required. This work is intended to be done at the same time that the public improvements are being installed.
3. Final Site and Operational Plans for the building, landscaping, signage and lighting plans will need to be submitted. All public improvements need to be installed, tested, televised and approved by the Village prior to the occupancy of this building.

So at this time what I'd like to do is they have a brief video that I would like to have Peggy bring up and show to you that kind of presents the architecture and the design for the first building. Again, this is going to be their signature, their first building in the corporate park. So we worked with them for many days to highlight the best assets of the building. And, again, Fresenius will be right on the corner so it needed to be very attractive both from 120th Avenue as well as 122nd Street.

That's the west side of the building that you're looking at. We're flying around at this time. And then as the building continues to turn that is the south side of the building from the air. Again, you can see there's an entrance off of 122nd that will come into the auto parking lot or the employee parking lot. From the air you can see that there will be a truck's deck type fencing around the whole south side of the building along with, again, the grade change as well as landscaping.

On the east side of the building there's a retention basin. On the south side of the building there will be a retention basin. There's actually some detention basins on the north side of the building as well. The land to the east of this is primary environmental corridor so that area will not be disturbed. Now we're driving along 122nd Street and we're stopping to view it now. So this is what you will see. You will not be seeing the dock doors. You'll be seeing fencing, landscaping. And the fencing will swing up around their entrance to their main parking area and parking off the south side. And then parking, again, for the employees and others will be on the west side of the building.

The office area which is at the southwest corner of the building has the appearance of a two story. It meets the requirements of the M-5 District. This is the primary entrance. And then as you get further to the north there is the truck entrance. The intention is that the emergency access on the south side and the truck entrance on the north will be gated entrances. The north side of the building there's detention basins, green space as you get to their property line. The sanitary sewer lift station is north of this property, and sanitary sewer will be extended in an easement to service this property. Municipal water is also coming from the north to service this property as well.

I'm not sure if the file is too big for our system. I'm not sure what's going on. But the elevations that we provided to you in your packets and the elevations that we have seen previously give us a good indication of what the facility is going to be looking like. What I'd like to do is I'd like to introduce Mark Good, and he is with Venture One to make a further presentation regarding the Fresenius Kabi and their first building in this new Stateline 9 corporate park.

Michael Serpe:

Name and address, Mark.

Mark Goode:

Thank you very much, I really appreciate it. As you know we've been working here with the Village for around four years --

Michael Serpe:

Name and address please.

Mark Goode:

Oh, I'm sorry. Mark Goode. I'm with Venture One Real Estate. We're the developer of Stateline 94. As you know we've been working with the Village for close to four years. We're very excited about our first project here. The company is very excited about coming here. This will be their flagship U.S. operation. They're a German company. They're moving from the O'Hare area in Illinois. We've worked with staff, and it's been a great relationship with staff on this project. I think the building design is well done. We appreciate all the input that we've received from the Village, and we've tried to incorporate that into our landscaping, the screening, the two story office. We also have not screening but by using the fence and the way we've set up the building you don't see any of the rooftop units. That was very important to the Village so we've done that. And we look forward to getting this project going. Our goal is to try to be in the ground moving dirt sometime mid to end of April. I can answer any questions.

Michael Serpe:

Thank you. Thanks, Mark. We'll open up the public hearing and any questions that may come up you can answer.

Mark Goode:

I'd be happy to answer. Thank you.

Michael Serpe:

Jean, anything else before I open it up? This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? We'll close the public hearing and open it up to comments and questions from the Commission. Wayne?

Wayne Koessl:

Mr. Chairman, I had some reservations about the dock doors opening to the street. But with the screening they've done and the landscaping it looks great, and I'm not adverse to it.

Mike Pollocoff:

Question through the Chair to Matt. Is there any proposed changes by Kenosha County that they recommended on the profile for 122nd or for the Frontage Road?

Matt Fineour:

I believe that this plan has been submitted to both the DOT and the County. And I think the County as far as I'm aware of was on board with what the TIA had recommended and what they're showing. So I don't think they had any other changes that I'm aware of.

Mike Pollocoff:

So it will remain as a rural profile?

Matt Fineour:

Yup.

Mike Pollocoff:

And a question also to the developer or to the company, whoever could answer it. We have 166 truck trips per day?

Mark Goode:

That's what they've told us, yes, 166 truck trip a day.

Mike Pollocoff:

Are those semis, box trucks, what type?

Mark Goode:

Both because they're in the medical business so their customers are hospitals, and so they assemble packages of -- everything that comes into this building gets screened and tagged. Not just the box but everything inside the box, all the different vials and everything. And they assemble those into different packages. So some will go out by city trucks, some might go out by FedEx, some might go out by UPS and some might go in a semi. But it's a just in time type delivery to their customers because the hospitals are waiting for these products. So it's all sorts of shipments that go out of here of the things they assemble, yes.

Michael Serpe:

Mark, stay there for a couple minutes.

Jim Bandura:

How do you see your traffic for deliveries going, going down the Frontage Road up to Highway 50, all of them?

Mark Goode:

No, I don't think that they're going to go up Frontage Road to 50. I think what's going to happen is the majority of the trucks will probably go south. They'll take ML west to the Frontage Road and go left and go down to the tri-state. If they're going north what we've discussed with them is taking ML west over the highway and turning right on the West Frontage Road going up to 165, turning right and getting on the highway there and not really going up the Frontage Road through the retail area.

Jim Bandura:

Okay, and avoiding --

Mark Goode:

That's the way we've discussed it with them, and they understand the benefit of that.

Jim Bandura:

And avoiding the retail.

Mark Goode:

Oh, yeah, they don't want their trucks going through there. The benefit of this location the way it's laid out now is the Frontage Road on the west side is so nice that they're going to go to the west side over to ML and the highway and go north and hit 165 to get on the highway.

Brock Williamson:

Are there any special circumstances for police or fire because it does have controlled substances in there?

Mark Goode:

Yes. We've talked to the Village about it. First of all they have amazing security and not just of controlled substances, but they control the temperature in their building within a minute degree, and we have to put in tons of monitors high and low for that. They'll be connected up with both fire and police through monitor systems and camera systems. We've already coordinated that so they'll be hooked right in. So I think there is good coordination between this company and both police and fire.

Michael Serpe:

Mark, chemical waste, how is that handled?

Mark Goode:

From their perspective they're highly regulated. So everything they do is watched by the federal government in terms of their products. It's an international company so they're going to do everything they have to conform to the rules. I don't know the rules.

Mike Pollocoff:

That's a question we could ask the company here if they're here?

Michael Serpe:

Is there somebody from the company here?

Mark Goode:

No, we don't have anyone here because we thought it was site plan and approval, but I can get back to you on that. I don't think it's any issue. It's all tagged, everything is tagged and regulated and processed into the space.

Michael Serpe:

Nothing that you go goes into the sewer system?

Mark Goode:

No, there should be none of that.

Michael Serpe:

And this is moving up from the O'Hare area you said?

Mark Goode:

They're in Bensonville right now right west of O'Hare.

Michael Serpe:

Is that facility closing down?

Mark Goode:

Yes.

Michael Serpe:

Are most of those employees going to be relocating here?

Mark Goode:

We don't think so. That's why we've been so sensitive on PR and press releases with the name is that they just told their employees two weeks ago. So it was very sensitive that they did not want the PR out there until the last minute when their employees would know. So they've now advised their employees that they're coming here. They are offering some packages. They don't think that many employees from O'Hare will take that many of their packages and all will be new employment. And that's one of the things that excites them about this area is the amount of good labor that's here because they are very highly trained. This is not a low level facility. It's all DEA controlled.

Michael Serpe:

And, Matt, we have a monitoring manhole in that area for that?

Matt Fineour:

They will have a sampling manhole for the building, yeah.

Jim Bandura:

You mentioned security. There's going to be a little bit of distribution for drugs?

Mark Goode:

They're a pharmaceutical company so they have controlled substances. So they have cameras everywhere. The fence has a guard, there's a guard that will let people in and out with the trucks coming in and out.

Jim Bandura:

And specifically within the building there's going to be a lock down?

Mark Goode:

Oh, yeah, you can't get into the back of their building without someone taking you there with security.

Michael Serpe:

Any other questions for the developer?

Wayne Koessl:

If not, Mr. Chairman, I'd move that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Text Amendment as presented.

Jim Bandura:

I second.

Michael Serpe:

**MOTION MADE BY WAYNE KOESSL AND SECONDED BY JIM BANDURA FOR APPROVAL OF THE ZONING TEXT AMENDMENT. ALL THOSE IN FAVOR SAY AYE.**

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Item B what's your pleasure?

Wayne Koessl:

Mr. Chairman, I'd move that we approve Item B the Village staff recommends conditional approval of the Preliminary Site and Operational Plans for mass grading only subject to the above comments and the following conditions.

Mike Pollocoff:

Second.

Michael Serpe:

**MOTION MADE BY WAYNE KOESSL AND SECONDED BY MIKE POLLOCOFF FOR APPROVAL OF THE PRELIMINARY SITE AND OPERATIONAL PLANS. ALL THOSE IN FAVOR SAY AYE.**

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you, gentlemen. I have one more comments to make, and I failed to do so at the beginning of the meeting. In two days Wayne Koessl will turn 90 years old.

Wayne has worked for Wisconsin Energy since the 1800s. And has been on the Village Plan Commission for 40 years? I don't even know how many years, 35 or 40?

Wayne Koessl:

I don't know.

Michael Serpe:

Anyway, happy birthday, Wayne.

Wayne Koessl:

Thank you. And welcome to Wisconsin and to the Village of Pleasant Prairie.

**C. Consider approval of a Certified Survey Map, Easement Vacation documents and an Addendum to the Memorandum of Understanding including Site Development Plans for the request of Kevin Risch with Clark Dietz, Inc. agent, on behalf of Prairie Holdings LLC, owner of the vacant property east of 9201 Wilmot Road to create three properties and to grade the properties and install private improvements to service the new lots.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is a request for a CSM, Easement Vacation documents and an Addendum to the MOU including Site and Operational Plans, and this is at the request of Kevin Risch with Clark Dietz, Inc., agent on behalf of Prairie Holdings LLC, owner of the vacant property east of 9201 Wilmot Road. And this is to create three properties and to grade the properties and to install private improvements to service the lots. As shown on the slide, as you can see this property is just to the south of the roundabout intersection of Highway C and Highway H in the Village.

As some background information, on October 2, 2017, the Village approved a CSM and associated MOU for the owner to subdivide the property so that the existing 9201 Wilmot Road building would remain on one property and the vacant land to the east could be located on a separate property. The owner has removed the large, worn and unused parking lot to that east and installed the required stormwater retention system and other site improvements for the industrial building. It's the intent of the developer that the remaining vacant land which we're talking about this evening with the private driveway access to Fire and Rescue Station 2 would be further developed for light industrial purposes.

To the west of the vacant land is an 22.34 acres of property with a 385,000 square foot 9201 Wilmot Road industrial building. It's being used primarily for warehousing and storage, and further west is the Ashbury Creek Subdivision. To the east of the development area is Fire and Rescue Station #2, and on the east side of 88th Avenue is the southern entrance to the Westwood Mobile Home Park, a few single family homes, and Hidden Oak Apartments. To the north along Highway C are single family residential homes and Pleasant Prairie Elementary School. To the south is Kenosha Grounds Care and further to the south are the Fountain Ridge Apartments.

On February 4, 2019, the Board conditionally approved of a Master Conceptual Plan for the development of three limited use industrial related buildings and associated site improvements on the vacant 17.6 acres of land located east of 9201 Wilmot Road for the limited manufacturing development. The property is zoned M-1, Limited Manufacturing, and is proposed to be subdivided into three parcels for limited use and associated improvements. Lot 2 is proposed to be developed as the Extra Space Storage building. The other two properties at this time have no intended users but are shown as potential development or building sites.

For the Certified Survey Map or CSM, this vacant 17.6 acres of land is proposed to be subdivided into three different parcels. Lot 1 is proposed to be 3.7 acres, Lot 2 is proposed to be 6.2 acres, and that's the site for Extra Space Storage, and Lot 3 is proposed to be 7.7 acres.

The lots will not have direct driveway access to Highway H or Highway C, but will have access through private roadways that will connect to C and H. The primary access will be through an existing north/south private roadway that currently services the Fire Station #2. This private roadway will connect with an east/west private roadway that will connect to the existing access on the property to the west, which has an existing connection to C as well. The private north/south and east/west roadways within this vacant area will be reconstructed with curb and gutter, paving, storm sewer drainage systems, roadway lighting to service these three lots along with the Fire Station

The attached Declaration of Covenants, Easements and Restrictions are currently under review and have been reviewed by our Village Attorney, and we do have some comments and conditions. There were just a few minor changes to those documents. The importance of these declarations just so you know is to clarify responsibilities with respect to once installed maintaining the private driveways or roadways within the development, maintaining the stormwater basins and any common features that are a part of this three lot CSM.

There are wetlands on Lots 2 and 3. Some of the wetlands on Lot 3 have been determined by the Wisconsin DNR to be artificial wetlands pursuant to an attached August 2, 2018 letter, and the Army Corps of Engineers will not be taking jurisdiction pursuant to their letter dated March 4, 2019. Comprehensive Land Use Map Amendment and Zoning Map Amendment applications have been submitted to correctly show the location of the wetlands that will remain on the properties.

All future buildings will be required to connect to municipal water and sewer within the adjacent streets. The development of the properties will also require two additional retention basins to ensure that adequate stormwater management is being provided for the development. As you can see, the stormwater basins are located on Lot 1 which is close to the intersection of the roundabout. And then the second will be a series of two basins adjacent on Lot 3. The developer intends to grade the properties, construct both stormwater retention basins and install all required improvements associated with the private roadways.

Site and Operational Plans will be required for each individual building that includes site plans, drainage, grading, building, landscape plans, signage plans and all the other plans and documents as required as part of the Site and Operational Plan approval requirements of the Village Zoning Ordinance for each building site. With respect to the vacation of easements, there are a number

of existing water main easements that are proposed to be vacated. All new required easements are shown on the CSM. So, again, we're making some modifications based on some of the lot adjustments that they've made. But all easements that are needed for sewer, water, access, stormwater they're all going to be shown on the CSM. We've made a number of edits to that CSM and gotten that to their attorney and hopefully to their surveyor last week so we'll be making those adjustments on that CSM.

And then finally an addendum to the Memorandum of Understanding or the MOU. I prepared an initial draft. Our Attorney Tim Geraghty worked with their attorney out of Milwaukee to draft an addendum to the existing MOU for the remaining site improvements. Again, private roads, street lights, mass grading of the sites, construction of the basins as well as the maintenance required for each of these. And this needs to be reviewed by the developer and then finalized before it comes back before the Plan Commission and the Village Board for final approval. Additional security will be provided to ensure that certain of these improvements are completed. And, again, prior to any occupancy of Lot 2 obviously the improvements will need to be completed.

Extra Space Storage as you know came before us along with the development previously as a conceptual plan. With this approval they will submit their detailed site and operational plans specifically for their site. With that the staff recommends conditional approval subject to the comments and conditions as outlined unless there's any questions by the Plan Commission.

Michael Serpe:

Comments or questions? Wayne?

Wayne Koessl:

I have no problem with this development. But I think somewhere down the road we're going to have to look at the traffic problem around the elementary school with what businesses go into this three lot development.

Michael Serpe:

There's no truck traffic on Highway C, is that correct, Jean?

Jean Werbie-Harris:

At this time the Village has adopted local control, and Highway C is not considered a truck route. I can't guarantee that there aren't trucks that travel on that route, but it is not considered a truck route by the Village.

Wayne Koessl:

Trucks do travel on C but not a lot of them.

Jean Werbie-Harris:

Again, Lot 2 is a storage facility so it's really not intended to have any semi-truck traffic delivery at that location. There might be someone coming with a moving van, but not regular truck traffic with respect to semi-trucks. Lot 3 the reason why we've got access off of 88th Avenue or Highway H is so that any truck traffic would go from that site on their private roads and then enter and exit off of Highway H or 88th Avenue. We always encourage them to head south towards 165 and then shoot out to the Interstate if they're going south. But they have the option of going north on 88th Avenue through the roundabout and then north to Highway 50.

Michael Serpe:

Comments or questions? What's your pleasure?

Jim Bandura:

Mr. Chairman, I recommend the Certified Survey Map, Easement Vacation and Addendum Memorandum of Understanding including the Site Development Plans recommend approval.

Bill Stoebig:

Second.

Michael Serpe:

**MOTION MADE BY JIM BANDURA AND SECONDED BY BILL STOEBIG FOR APPROVAL OF THE CERTIFIED SURVEY MAP, EASEMENT VACATION DOCUMENTS AND ADDENDUM TO THE MOU. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

Jean Werbie-Harris:

Could I just for a point of clarification, this project and the Conceptual Plan were evaluated by Kenosha County. And at that time they had indicated, maybe Matt can confirm this, but they indicated that no traffic study or any additional traffic improvements were needed to Highway C. But we certainly can contact them to see if there's anything further that they would be needing as a result of this development.

Michael Serpe:

The storage building is going to be 127,000 square feet. The other two buildings are going to be relatively small as I understand it, is that correct? At least a lot smaller than 127,000, 14,000 and 15,000 or something like that?

Jean Werbie-Harris:

Correct.

Michael Serpe:

Which aren't that big. Okay. Item D and E, Jean together? Item D and E will be taken together. They're both public hearings but separate action will be taken on both.

- D. PUBLIC HEARING AND RECONSIDERATION OF PLAN COMMISSION RESOLUTION #19-05 FOR AN AMENDMENT TO THE VILLAGE COMPREHENSIVE PLAN to amend the southwest portion of the Whittier Creek Neighborhood Plan generally located north of 93rd Street and east of Old Green Bay Road.**
- E. PUBLIC HEARING AND RECONSIDERATION OF A CONCEPTUAL PLAN for the request of Dan Szczap of Bear Development LLC, agent for Creekside PP, LLC, the owner of the vacant properties north of the Creekside Crossing development and adjacent vacant properties to the west for The Vista at Creekside development. Various development options are proposed for a combination of single family lots, two-family lots and multi-family apartment buildings.**

Jean Werbie-Harris:

So Mr. Chairman and members of the Plan Commission and the audience, as part of the conditional approval by the Plan Commission on January 28, 2019, the Plan Commission recommended that the staff work with the developer to address the concerns of the neighbors. Since the public hearing and the comments received from the public hearing, the staff has put together and worked with the developer some additional information regarding the project. And this additional information was presented to the Village Board on February 18, 2018. After seeing this information the Board then send these plans back to the Plan Commission which you are receiving this evening for further consideration of alternative plans that are being presented, again, as part of this March 11th Plan Commission public hearing.

And, again, the public hearing is twofold. One is to consider the Comprehensive Plan Amendment for the southwest portion of the Whittier Creek neighborhood generally located north of 93rd Street and east of Old Green Bay Road. And then the second public hearing is the reconsideration of a Conceptual Plan. These both came at the request of Dan Szczap of Bear Development, LLC, agent for Creekside PP, LLC, and this is the owner of the vacant properties north of the Creekside Crossing development as well as the adjacent vacant properties to the west for their proposed Vista at Creekside development. Various development options are being proposed, and we will talk about all four or five of these options this evening.

Generally, and some of this is historical information, I'm just going to hit on the highlights of some of this information. The petitioner is proposing to develop approximately 58 acres of vacant land generally located north of the Creekside Crossing development as well as the adjacent 9.6 acres of land to the west, and this is for a project to be known as The Vista at Creekside. In addition, they are looking, again, modifications or amendments to the Comprehensive Plan which is the Whittier Creek Neighborhood Plan as well as the Conceptual Plan for the development.

As many of you know with respect to some background information, The Creekside Crossing Condominium and single family residential development were initially developed in several phases by Mastercraft over the years of approximately 2005 to 2010. At that time Mastercraft was looking at 24 single family lots, 34 2-unit condominium buildings, 17 4-unit condominium buildings and 19 8-unit condominium buildings. The undeveloped land proposed to be developed within the original Creekside area included an additional 158 condominium units which at that time was identified as 11 8-unit buildings, 6 4-unit buildings and 23 2-unit buildings.

Due to the recession, the undeveloped land remained vacant for several years until it was acquired by Creekside PP, LLC. Their first attempt at bringing a project back on this site was on August 17, 2015 when the Board conditionally approved a Conceptual Plan. And this was to develop the remaining vacant lands of the Creekside Subdivision and Creekside Crossing Subdivision and development area, and this was for 64 single family lots and one 2 family lot. The developers, however, after further re-evaluation as they got further down in the development process did not move forward with the single or two family development due to the costs of constructing some of the infrastructure on the site including the completion of Creekside Circle, the bridge public improvements and other improvements to the development. So the plan did not move forward.

At this time a new development plan is being proposed and, again, which occupies approximately 58 acres. Various development options are being proposed for the combination of single family lots, two family lots and multifamily apartment building as I'll be discussing below. At the Plan Commission hearing on January 28th it was the staff's opportunity to hear firsthand a number of the comments from the Creekside Crossing residents, and this was regarding The Vista at Creekside developed proposed by Bear Development. Although the Plan Commission recommended conditional approval of the project plan at that time, the motion included direction to the Village staff to work with the developer to try and address the resident concerns presented at the public hearing on January 28, 2019.

The following concerns were brought up at the hearing and as well as I had heard from the condo association president. Some of those concerns included rental units are now proposed where owner occupied units were presented in the original Creekside development. The location and density of the rental apartments within the Creekside development were of concern. Management and management practices of the rental units including long-term maintenance of the apartments and the grounds was a concern. Increased crime. Traffic congestion within and adjacent to the development when additional units are constructed, as well as they commented on some currently speeding that was going on the neighborhood. Reduction in property values with the construction of the apartments. Public sidewalk location requirements, maintenance and costs. And the loss of a proposed neighborhood park on the north side of the development.

After the January 28th meeting I mentioned that I met with the condo association president, met with the Plan Commission Chairman, and we met several times with the developer to discuss

concerns of the residents and how the project could best address some of these issues and how the development could be improved if it was going to be moving forward. The Village Administrator and myself then had a number of further discussion with our staff, with our engineers as well as with the developer. The developer then submitted various alternatives for the staff's review. These alternatives were presented to the staff, and many of which were presented at the Board meeting. Again, the Board did not take any action and referred the matter on these plans but referred these reviews and the comments and recommendations back to the Plan Commission for their consideration this evening.

So we have five different options that we will talk about this evening. Option 1 was the development plan that was -- and, again, you have not seen all these as a Plan Commission so that's why we're bringing all these back to you. Option 1 is the development plan that was presented by the developer at the Creekside neighborhood meeting that was held in November of 2018. This plan included 37 single family lots, 2 2-family lots and 7 20-unit apartments buildings along with a clubhouse. And, again, this was option number 1. Option 2 is the development plan that was presented at the Plan Commission public hearing on January 28th. This proposal included 43 single family lots, 1 2-family lot and 7 20-unit apartment buildings and a clubhouse.

Option 3 is the development plan that was prepared by the developer where in the developer indicated that they would acquire an additional 5.6 acres of land north of proposed 91st Street for the development which would provide for 55 single family lots and 7 2-unit apartment buildings along with the clubhouse. As you can see this particular plan starts to shift the apartments for the most part outside of the Creekside Crossing area with one apartment building left in the Creekside area on the west side that Peggy just highlighted in yellow on the west side of Creekside Crossing. The next option, option 3a is a development plan as prepared by the developer which is similar to option 3 except a revised location of the 7 20-unit apartment buildings. Basically in this one it shifted the apartment building on the opposite or the inside of Creekside Circle at the terminus of 91st Street.

And finally option 4 which is a development plan as prepared by the Village staff which outlines under the current zoning what could be built within the Creekside development area including 21 two family lots or 42 units, 3 4-family lots or 12 units, and 6 8-family lots or 48 units for a total of 102 multiple family units.

With respect to the comprehensive plan I think we've covered this both at the Plan Commission and the Board meeting. But I will just generally say that any development plan considered by the Village is evaluated based on the comprehensive plans, goals, objective, recommendations and policies. Neighborhood plans are a component of the comprehensive plan, and in our community we do these more detailed or refinements of the comprehensive plan known as neighborhood plans.

In order to provide the community with the means of reviewing possible patterns of existing and probable future development in and around a land development, we evaluate access to the land development and the feasibility of developing certain land uses, lot layouts, roadways, parkways, open green spaces and preservation areas. We also look at schools, municipal facilities and municipal services to serve the neighborhood. The neighborhood plan sets forth a guide for future development when a willing landowner wishes to develop his or her land.

The Whittier Creek neighborhood in this case is bounded by Highway 31 or Green Bay Road on the west, 85th Street on the north, Cooper Road on the east and 93rd Street on the south. So typically they're about a mile or a mile and half square in area. As land continues to develop the Village evaluates any proposal based on the neighborhood plan. If there's a proposal that is different than the neighborhood plan then the developer is obligated to submit a request to modify the neighborhood plan. And, again, the neighborhood plans, comprehensive plans are all used for guidance for the Village.

In addition as part of our comprehensive plan we have a housing element in the comprehensive plan. And the Village housing goal is to provide a diverse housing supply that meets the Village's future population needs. This includes homes for new residents without prejudice as well as for long-time residents whose housing requirements may have changed because of age, household growth or decline, income or disability.

Furthermore, the comprehensive plan sets forth recommendations on how to achieve those goals. Some of those recommendations to provide a sufficient look at housing options so that different income levels can be evaluated as to looking at the different type of housing that is presented. While this is a housing goal of the community's comprehensive plan, the comprehensive plan itself as a document does not specifically set forth in the community where multifamily including Workforce Housing should be located. We do that on a case-by-case basis and look at other planning principles as we do that. So while the comprehensive plan including neighborhood plans provide a framework and guidelines for development, specific properties that are proposed to be developed are required to submit a more detailed plan, and that's what they have done this evening.

And, again, with respect to the valuation of the options, again, there's options 1, 2, 3, 3a and 4. With respect to the comprehensive plan all options do meet the general guidelines and goals of the comprehensive plan including the housing goals because it is proposing new residential development within the community. Also, with respect to the density because when you looked at the comprehensive plan we have a lot of green space on the north end of this particular neighborhood because the Jerome Creek runs through this development in two different directions, and there's a lot of wetland, floodplain, open space. So it's very easy to increase some density elsewhere in the neighborhood here or anywhere else and not exceed the minimums or maximums of that Comprehensive Plan.

So what that means is that there's always a range in a particular neighborhood as defined by the Comprehensive Plan. And it usually gives a range, and in this case it's between 12,000 square feet and 18,999 square feet per dwelling unit. Again, some areas will have higher density, other areas will have lower density. The net density of all options is set forth in a chart that Peggy has prepared. You can see that on your screen, and hopefully some people will be able to see it in the audience. The overall density actually with this development is lower than required by the Village's Comprehensive Plan. It's not usual, just because of the fact that we've got a lot of green space in this particular neighborhood.

So as you can see Peggy has kind of set forth each of the various options, how many single family units, two family units, four units, eight units, 20 unit buildings and total number of units within each of the options, the gross area, the approximately amount of wetland floodplain, the net developable area. It goes all the way in this development, and then it sets forth specifically

within the Whittier Creek neighborhood. The overall net density of options 3 and 3a is 6.7 dwelling units per acre, 140 units on 20.75 acres. And the overall net density of the entire development is 4.3 units per net acre. Again, we have pretty low density in this neighborhood at this time.

The original Creekside development area provided a net density of 4.5 units per net acre. And, again, remaining in this development would be 158 units within the 35 acres. Although the multi-family area is close to the industrial park and employment opportunities and a variety of housing types and overall net residential density meets the intent of the Comprehensive Plan, the density concentration adjacent to existing and long established single family and owner occupied condominium development warrants further consideration and discussion by the Plan Commission as the most appropriate location.

So with respect to the Village park plan, the initial Creekside Crossing development plan originally in 2005 identified a neighborhood park on the very north end of this development. However, since that time the Village has approved the Ingram Park which is a 30 acre community park just to the east within the Whittier Creek neighborhood. And it was dedicated for public park purposes and has a dog park and a sledding hill and pond and a fishing pond and some other amenities. So, therefore, the Village's Park and Open Space Plan did identify the elimination of another neighborhood park in this particular development. Please note that the dog park that was proposed in option 2 by the developer would have been a private park owned and maintained privately for the benefit of the residents. But as you can see in their later options that they eliminated the dog park because of the dog park in Ingram Park.

With respect to rental versus owner occupied units, the Village Zoning Ordinance can't and does not regulate the type of ownership for any residential dwellings as it pertains to the basic use districts in the residential section of the ordinance. The ordinance regulates building design, size, setback materials and general requirements for development in the basic use districts but cannot regulate ownership.

In cases where a Planned Unit Development Overlay District is considered, the Village in the past and in the future and currently has encouraged the developer to place percentages of renter or owner restrictions on the units. This was the case in the existing Creekside Crossing condominium development. This requirement was placed in the condominium declarations for the Creekside development by the original developer which was Mastercraft, and in the Village's PUD which is the zoning overlay ordinance as agreed to by the original developer prior to any of the existing condominium units being built.

The situation just so that you understand is that the PUD was placed on the area that was built in the previous phases, but there was no PUD overlay in the subsequent phases because they had not advanced those options at that time before the economy tanked. So basically there was no PUD that currently exists. That's why this option 4 that Peggy is showing you now does not show a PUD, and you're seeing much greater setbacks because they have to meet the minimums of the basic use district without a PUD.

Based on the current zoning the land could be developed, the vacant land in the Creekside area could be developed with approximately 102 multiple family rental units when public improvements are installed. And this includes all roadways, sewer and water, obviously

stormwater, floodplain boundary adjustment and all the other infrastructure requirements as shown in option 4. Specifically the R-8 two family residential district areas in the east and northeast portions of the site could be developed with 21 2-unit buildings. The R-9 multiple family district on the west portion of this site could be developed with 3 4-unit buildings. And the R-10 multiple family district in the central portion of this side on either side of the creek could be developed with 6 8-unit buildings. Again, there's no portion of the undeveloped land within the original Creekside development that is zoned for single family at this time.

As a result of the neighborhood meeting the developer had with the existing residents within the Creekside development, the developer acquired addition land to the west, and he had moved some of his apartment buildings, four units to the west. He kept the clubhouse adjacent to Old Green Bay Road and 91st Street which also provided a main entrance to the new development. So it was intended that the main entrance area to this development would be 91st from Old Green Bay Road.

Furthermore, after the public hearing on January 28, 2019 the developer indicated that he would acquire an addition 5.6 acres of land, and this would be on the north side of 91st Street east of Old Green Bay Road. And has proposed to move an additional four apartment buildings or 16 units outside of the original Creekside development to the north side of 91st Street. In the new options 3 and 3a one 20-unit apartment building is proposed to be located with the existing original Creekside development area whether it is on the east side of Creekside Circle or the west side of Creekside Circle south of 91st.

While options 3 and 3a locates nearly 85 percent of the units outside of the original Creekside development area, it places more multiple family units within a smaller area creating a greater density of units or 12.5 units per acre in an area currently zoned for single family development surrounded by established older single family homes. This exceeds the 9.6 dwelling units per acre in the R-11 multiple family district so a PUD would be needed for that to be approved. All options provide a new main entrance to the development from Old Green Bay Road at 91st Street. At this entrance is a clubhouse being proposed as shown in options 2, 3 and 3a. The clubhouse would have a leasing and management office, community gathering space and a small exercise room.

The following briefly describes unit types in options 1, 2, 3 and 3a:

- Single Family Lots: All single family lots shown in options 1, 2, 3 and 3a would be a minimum of 12,500 square feet in area with 80 feet of frontage with a minimum lot depths of 125 feet. It is proposed that the home and lot packages will range from \$400,000 to \$525,000 and would be comparable to the current Arbor Ridge Subdivision under construction by the petitioner in the Prairie Ridge development south of the Froedtert South main hospital, which is adjacent to an existing market rate apartment building and a WHEDA housing tax credit senior apartment building.
- Two Family Lots: Any two-family lots shown on options 1 and 2 would be a minimum of 20,000 square feet with the exception of a two family lot at the southeast corner of 62nd Avenue and future 89th Street which would be 17,539 square feet with 100 feet of frontage with a minimum lot depth of at least 125 feet.

- Multiple-Family Lots: Options 1, 2, 3 and 3a provides for 7 20-unit Workforce Housing apartment buildings or 140 units and a clubhouse. Each of the apartment buildings provides for 8 units on the first floor and 12 units on the second floor that range in size from 713 square feet to 1,325 square feet with 8 units in each building having an attached garage. All units are considered condominium style in that all the units will have individual entries from the exterior of the buildings, no common hallways or shared entrances. Conceptual building elevations have been submitted that show a variety of building colors, materials stone, brick and hardiboard siding in a grey/blue tone colors as you can see on the slide.

Each building provides a variety of unit types with a various rental rates including: 111- bedroom with 1 bathroom units, 1 2-bedroom with 1 bathroom, 6 2-bedroom with 2 bathroom and 2 3-bedroom with 2 bathroom.

With respect to Workforce Housing, the 7 unit apartment buildings shown in options 1, 2, 3 and 3a are proposed to Workforce Housing. Option 4 could also include Workforce Housing. The petitioner has submitted and has received an award of housing tax credits to fund a portion of the development for Workforce Housing. There are many types of tax credits used to construct a variety of housing types. The housing tax credits awarded to this project are not for low income housing but for Workforce Housing and there is a difference. Low Income housing typically serves area median incomes at or below 30 percent area median income, AMI. The housing development being proposed is not low income, but it is income restricted as Workforce Housing that provides for rental rates that are very similar but below current market rate rents for the area.

Workforce Housing is designed for active individuals and families with working parents or single working professionals or seniors that have a lawful source of income. These units are dedicated to those not typically understood to be the targets of affordable housing. The Workforce Housing requirements mandates a maximum rental rate as well as a maximum income for the residents. All tenants must have at a minimum three-times their total monthly rent in income to qualify for a unit for the proposed development. And Peggy has put the chart up that we can talk about in detail as well.

The goal of these units is to offer efficient and sustainable housing solutions that enable working individuals in moderate income vocations or emerging professionals. Some examples could include police officers, firefighters, waitresses, teachers, factory workers, health professionals, and service workers to live in the community that they work. And, again, the chart is for The Vista at Creekside. And what they'd one is they've identified the number of bedrooms, one bedroom, two bedrooms, three bedrooms, the unit count for each, the AMI set aside, the average square foot per unit, the maximum rent that could be charged, the minimum income, the minimum hourly wage, the maximum income and the maximum hourly wage.

The market area income information pursuant to 2018 ESRI information provided by Baker Tilly Virchow Krause, LLP shows that 28 percent of the Village's residents have annual incomes less than \$50,000 per year, and 42 percent of the Village's residents have an annual income less than \$75,000 per year. Bear's requirement is that no more than 30 percent of the gross income should be spent on anyone's monthly rent.

So the next chart that we have are Pleasant Prairie's area income for 2018. And this indicates that households with income that is less than \$50,000 is 28 percent of the community -- what did I say, I'm sorry, less than \$50,000, and households with incomes less than \$75,000 are 42 percent. And then there's a detailed breakdown of the household income bands, how many households in Pleasant Prairie fall within each of these, and the cumulative total at the end up to 100 percent of our households.

The rent for The Vista excludes utilities and detached garages, and these ranges are as follows. One bedroom rents range from \$697 to \$1,116 with minimum annual incomes ranging from \$25,092 to \$40,176, and maximum annual incomes ranging from \$29,750 to \$47,600. The two bedroom units range from \$836 to \$1,338 with minimum annual incomes ranging from \$30,096 to \$48,168. Maximum annual income ranging from \$29,750 to \$47,600. The three bedroom units rents range from \$966 to \$1,546 with minimum annual incomes ranging from \$34,776 to \$55,656, and maximum annual incomes ranging from \$40,150 to \$64,240.

The Workforce Housing Program requires the following rental limitations as further described above. 84 of the 140 units or 60 percent will be rented at 50 percent of the area median income; 28 of the 140 units or 20 percent will be rented at 70 percent of the area median income; and 28 of the 140 units or 20 percent will be rented at 80 percent of the area median income. Pursuant to the applicant 40 percent of the units that will be rented at 70 percent and 80 percent of the area median income are rental rates that are in line with market rate rents. The petitioner has also provided a comparison of the rent to the median home values in Pleasant Prairie. So for a home or condo purchase of \$206,800 the mortgage will be \$939, taxes of \$345 and insurance of \$32 a month or a total of \$1,316. The median home value for Pleasant Prairie, again this is based on 2018 ESRI data assumes that \$206,800. So, again, you can compare that to the rents that we just talked about.

So we asked the developer to answer a number of additional questions because we had received some letters, and the staff just had a number of questions about the rental rates, the Workforce Housing, everything as it pertains to this Workforce Housing product. So he's responded and I'm going to explain some of these things.

Rental rates, Workforce Housing was established to guarantee an adequate supply of high quality residences for households at varying ranges of income. In the case of Creekside a household's annual income will be independently certified to confirm not only a sufficient income to afford the monthly rent but also a maximum. So allowable within the Workforce Housing Program. Based on a unit mix and IRS requirements it's estimated that minimum incomes will range from \$25,092 to \$55,656.00, and maximum incomes will range from \$29,750.00 to \$64,240.00 as mentioned in the table above.

The full monthly rent is the responsibility of the residents; there is no rental subsidy or Section 8 tax credits. Of the 140 units at Creekside, 56 will have rent levels at market rate in terms of monthly rent. The remaining units are roughly a 35 percent discount to market rates. All single family lots will be at market rate. The Workforce Housing Credits received by Bear are invested into the development for the construction of quality, attractive residences. The floor plans, features and amenities are of the same quality as market rate apartments. Residents are required to post a security deposit equal to one month's rent.

With respect to the Workforce Housing market rate housing split, the multi-family component is Workforce Housing. All of the 140 units at Creekside 56 include rent levels at market rate in terms of monthly rent. The remaining units are roughly 35 percent discount to market rates. The Vista at Creekside also includes 54 single family homes sites which are market rate.

Workforce Housing compliance, compliance with Workforce Housing regulations is strictly enforced by the Wisconsin Housing and Economic Development Authority. Compliance with housing regulations and resident eligibility is accomplished through annual compliance reviews and audits. 30 Year Land Use Restriction Agreement, upon receipt of Bear's final approval from WHEDA post-construction, Form 8609 from the IRS and a land use restriction agreement from WHEDA will be recorded against the multifamily development. Under this agreement the development must continuously comply with IRS Section 42 and other applicable sections of the IRS. The development must also comply with WHEDA codes and regulations. These agreements place occupancy restrictions on rents and the minimum percentage of units which shall be occupied by households whose income meets the Section 42 requirements. These requirements will be continuously monitored by WHEDA for a period of 30 years.

Under resident qualification, Bear Property Management reserves the right to qualify prospective residents based on credit history, criminal background checks, employment verification and asset verification. BPM, Bear Property Management, engages a third party provider to complete background checks. To qualify for residency in a Bear project, prospective residents must demonstrate credit history and certifiable monthly income equal to three times the monthly rent.

With respect to occupancy limits, leases will limit the maximum number of occupants per unit. The limit is based on the specific household makeup. For example, a limit for one bedroom is two people. But if there's a child under one then it can be three people. Due to fair housing issues, Bear must comply with Federal requirements. In instances where there are small children under the age of seven, children may share a bedroom. One bedroom unit three maximum, married couple and an infant. Two bedroom unit four maximum, married couple and two children in a bedroom provided the children are under the age of seven. Three bedroom unit six maximum, married couple, two children in each bedroom provided that they are all under the age of seven.

Location of the apartments, I think we've talked about this, option 1 as to where the apartments would be located. Option 2 shows where the apartments would be located because I think that's the greatest concern. Option 3, 3a and 4. In the instances where the proposed apartment buildings share property lines with existing single family homes specifically near Old Green Bay Road, the developers are intending to implement extensive landscaping and privacy fencing to maintain adequate separation, buffer and privacy for the neighboring single family property owners.

Public infrastructure and site access, Village ordinance and policy requires that developments be interconnected and multiple means of roadway access be provided for development. Therefore, the original Creekside Crossing development included multiple access points to 93rd Street with an access to Old Green Bay Road via 91st Street, a looped roadway known as Creekside Circle and additional future connections to the north and to the east as additional vacant farm lands develop.

No further development on the east side of the Jerome Creek can be approved by the Village at this time until there is a roadway connection either to the west by the completion of Creekside Circle or 91st Street to Old Green Bay Road or a public roadway connection to the east which is about 1,400 feet to the existing public roadway, Ingram Park Drive, located within Ingram Park. Creekside Circle and 91st Street have been dedicated by the original developer, and municipal sanitary sewer was extended in a portion of Creekside Circle to service the existing development and future development within the vacant areas east of the Creek.

The primary access for the development in all options will be from Old Green Bay Road at 91st Street. Creekside Circle is planned to be completed, bridge and roadway improvements, that also allows access to 93rd Street at 63rd and 66th Avenues. 91st Street via Old Green Bay Road will also be the construction access and haul roadway for the primary development of the subdivision infrastructure and the residential development. Temporary no construction access signs would be required at the entrances at 93rd Street during the duration of the development prior to commencing the public improvements.

With respect to traffic, providing multiple public road connections to and through the development allows for the traffic to be dispersed. Residents living in the neighborhood will travel the easiest path to get to their destination. Most of the new apartment residents will likely exit the development through 91st Street and travel north or south on Old Green Bay Road. The projected traffic volume and movements are the same or similar to what was projected by the original Creekside development.

Pursuant to the Village Engineer, the proposed development and the total number of units does not warrant a new traffic study. When the 200 acres of vacant land on the south side of 93rd Street at Dabbs Farm Drive is proposed, there will be an update to the traffic study.

The petitioner has completed a TIA or a Traffic Impact Analysis for the Main Street Market development at 165 and Highway 31. This TIA examined roadways north to Dabbs Farm Drive as part of the Main Street Market development on the corner of Highway 165 and Old Green Bay Road. The TIA completed required that a dedicated right turn lane to be added to Dabbs Farm Drive between Old Green Bay Road and Highway 31. This new lane would be added within the next five years likely. However, the existing traffic study should be used as a basis for their traffic engineering just to re-verify that there are no other improvements that are needed at the intersection at Old Green Bay Road and 91st Street as a result of the 91st Street connection.

Speeding that was mentioned at the January 28, 2019 public hearing that is currently occurring in the development can be remedied a number of ways. Since this development does not provide access to any other development at this time, the association should remind its residents to slow down and abide by the speed limit. The police could set up digital speed signs in the neighborhood, or if the speeding happens during certain periods of the day a squad car could be present in the neighborhood and citations could be issued. That would be at the direction of the Village Administrator or the Board.

With respect to sidewalks, in 2016, the Board adopted a new ordinance requiring the installation of sidewalks in residential developments. The Village Administrator along with staff have been evaluating and prepared a policy on how new sidewalks adjacent to existing development without sidewalks would be installed. The current policy is to complete loops or neighborhood blocks

and minimize dead ends mid-block. The alternative is to have the developer install five foot wide concrete sidewalks only adjacent to the area being developed and creating dead ends now, and then at a later date sidewalks would be extended at the cost of the existing property owners as a Village assessment project.

The Village staff is recommending that within the Creekside development sidewalk and pedestrian pathways be installed by the developer at the developer's cost as shown in the drawings. And actually there's a slide on the screen right now that shows where the sidewalks would be installed. In all options it is recommended that the developer install concrete sidewalks around the interior area of Creekside Circle right-of-way. This interior connection provides a pedestrian access that meets ADA standards to the existing Creekside Park. The sidewalk maintenance and snow removal would then be the responsibility of the abutting land owners.

The original Creekside development plan included a pedestrian path adjacent to the creek within the multi-family area connection to the north and south is also -- oh, the original plan did show a pedestrian path adjacent to the Creek. At this time that has not been advanced. It was not even installed due to the need to complete the floodplain and then due to some additional complications in proximity to the creek. So it's for that reason that sidewalks were being considered adjacent to the public roadways.

The Village Police Department is proactive in preventing and solving crimes within the Village. So it is with their recommendation that a Village security ordinance requirement that had been made and modified since 2005 that all multifamily developments with three units or more per building since 2013 provide exterior camera systems that provide live feedback to the Village Police Department. The Village currently has about 500 cameras monitoring developments through the Village. These digital camera systems are not monitored 24/7 by the police department, but many of the cameras can be viewed or transmitted to an officer's computer if their vehicle is equipped in the event that they need to pull it up and see it when they're responding to a call.

Management of the apartments, the success or failure of any multifamily development whether rental or owner occupied is its management. Most Village code violations that the Village receive are for owner occupied properties. The rental apartment properties in Kenosha that Bear Development has have been well management, and they don't have any significant ongoing issues and no code violations to date. Bear Development has a good management record and intends to own and manage these apartments for the long term. In this case, a minimum of 15 years as part of their portfolio. They also have policies and practices in place to ensure that the exterior of the buildings and the site continue to be well maintained. In addition, they have the following rental policies and practices to ensure that the tenants take care of their units.

And this is some additional information that they have presented. Property management, The Vista will be professionally managed by Bear Management. They currently manage 1,142 units in southeastern Wisconsin. They currently have an occupancy rate of 98.6 percent in their units and their apartment developments. The project will be assigned a full-time property manager and a part-time leasing agent. The management team will be on site between the hours of 9 a.m. and 5 p.m. Monday through Saturday. The management and leasing office will be located in the community clubhouse. A 24 hour emergency service is available for management issues outside of regular business hours. The full-time property manager will not reside on site. Bear

Management has an accredited asset manager on staff to manage, evaluate and improve Bear owned assets. The site and individual buildings will also be monitored by video surveillance.

With respect to their parking management plan, Bear Management carefully manages parking to ensure that adequate parking spaces are provided for the residents. A parking policy will be established prior to building occupancy. All residents will sign a parking policy addendum as part of their lease. Vehicles that have not moved for a period of 72 hours will be towed. Property management will restrict the number of vehicles allowed per unit to the number of legal drivers that are residing in the unit. Detached garages will be used strictly for parking of vehicles and shall not be used primarily for storage. Parking on 91st street, after the multifamily buildings are constructed they have agreed, and the Village will need to work with an ordinance, but to prohibit parking on 91st Street through no parking signs.

With respect to their pet policy The Vista at Creekside shall include three complete buildings that will be pet-free. In the buildings which allow pets, pets will be limited to one per unit and having a maximum weight of forty pounds. Bear Property Management restricts the following dog breeds from their properties, Pit Bulls, Staffordshire Terrier, Rottweiler, Doberman Pinscher, Cane Korsos, Chow Chow, Wolf Hybrids and Akita. Additional breed restrictions per the Village of Pleasant Prairie will be enforced.

Under the eviction process and non-renewal process, resident eviction is a complicated and time-consuming process and will be used as a last resort. Based on thorough vetting and qualification processes used by Bear, evictions at Bear properties are rare. More effectively, the management uses the method of lease non-renewal to remove problematic residents from the apartment community. The threat of eviction is used to reduce the offending behavior, and the resident is simply not offered a lease renewal. Again, these lease renewals need to occur every year. They're not automatic because they have to re-verify income.

Property values, there were a number of questions that were raised on this. Based on information provided by the Village Assessment Office, the apartment development based on the proposed rents would be valued at about \$58,300 per unit or \$8,162,000 for the complete 7 20- apartment buildings. The existing single family homes within Creekside Crossing Subdivision have an average value of about \$300,000 per unit. The existing two unit buildings average \$250,000 per unit, and the existing condominiums units in Creekside Crossing development average \$175,000 per unit.

At the Village Board meeting on February 18, 2019, Trustee Serpe indicated his interest in knowing what impact the stigma of the proposed Section 42 Subsidized Housing Project adjacent to and within the Creekside Crossing Condominium development and platted Creekside Crossing single family development might have on those existing developments. This is his response. Quantifying the effect of any stigma on real estate values with a specific degree of certainty is a subject of scholarly research projects involving large amounts of data and generally beyond the scope of a municipal assessment office. In general terms, attributes of property location that are perceived positively by the public tend to impact the market value of a property in a positive manner, and attributes of property location that are perceived by the public in a negative light tend to have a negative impact on the value of a property.

Property value is a reflection of its desirability. The more desirable the buying public perceives a property, the more money they are willing to pay for the property. Conversely, attributes detracting from a property's desirability tempers the public's willingness to pay as much for the property as if those attributes were not present. Additionally, supply and demand principles play a role in property value. The desire to acquire property in a specific location plays a role in demand for those properties. When demand for properties in specific locations exceeds the supply of properties for sale, values of those properties trend higher. And when there is an over-supply of properties for sale in a location, property values languish.

When considering what type of impact the development of a 140 unit subsidized housing development would have on adjacent, existing condominiums and single family homes, we can generalize either a positive impact, a neutral impact, or a negative impact to the value of properties within those existing developments. It is difficult to foresee as a result of the proposed development an increased desirability or demand for existing properties within the existing development. It is more likely any effect on current values of properties within the existing developments will be neutral or negative and largely depends of the buying public's perception of the proposed housing development and its influence on their desire to acquire properties located in close proximity to the project. An additional consideration is whether current property owners within the existing Creekside development will flee in numbers greater than the current or future demand for those properties. If this occurs it's possible values of the existing properties will languish or decline until supply and demand again becomes stable.

With respect to floodplain boundary adjustment we did cover this at the last meeting so I will not go into the detail. There was work that was done in the early 2000s. There were approvals that were granted back in January of 2005. Adjustment work began, it does need to be completed in order for additional development to occur in the later phases of the later areas. With respect to wetlands there are a few wetlands shown in the outlots that will remain undisturbed and protected during construction. There were a few that are proposed to be filled. And then there were some other wetlands that were determined to be just disturbances of land basically, and they're allowed to fill those because they occurred as a result from all the grading that was done on the property.

With respect to Zoning Map and Text Amendments, options 1, 2, 3 and 3a would all require the following Zoning Map Amendments: The single family would need to be rezoned into the R-4 District, two family needs to go into the R-8 District, and the multiple family would need to go into the R-11 District. Wetlands would stay in the C-1 District, and common open space areas for stormwater would be in the PR-1 District. The 100 year floodplain as amended would be placed as an overlay in those areas that would remain as floodplain after the boundary adjustment work. And the entire development would need to be located within a PUD.

The PUD would allow for some dimensional flexibility provided there is a defined community benefit. Some of the PUD variations that are being requested at least for Options 2, 3 and 3a, and this is to allow for more than one multifamily building per parcel; to provide minimum lot sizes for the single family lots to a minimum of 12,500 square feet and minimum frontages of 80 feet with an average lot size of 15,000 square feet; to provide for a minimum lot size of 17,500 square feet for the two family; and to reduce some side and rear setbacks for the apartment buildings.

As part of the community benefit that the developer is presenting, they would be providing fire sprinklers within the apartment buildings. They provide a minimum of three pet free buildings. They would limit the size and breed of the pets to no more than one pet per apartment not to exceed 40 pounds at mature size. They would be installing sidewalk connections to the existing park and on the south side of Creekside development and within the development as shown in the options. They'd be adding some additional park play in the public park. And they would be providing some enhanced architectural details for the buildings and enhanced landscaping within the apartment development areas which are shown on the slides. In addition, the multifamily areas would all need to be equipped with the DSIS or the digital security imaging system cameras with the live feed back to the police department.

Option 4 would require a Zoning Map Amendment. Again, that option 4 is taking a lot of this development on either side of 91st Street. First of all the UHO, Urban Landholding Overlay District from the current R-8, Two Family Residential District, and the R-9 and R-10 Multi-Family Districts would need to happen. They'd need to rezone the lands in the C-1. They'd have to do the adjustments -- I'm sorry, this is option 4, this is the one Peggy has shown up on top right now. So we need to still remove the UHO, we need to rezone each of these areas with a PUD. The floodplain areas would need to be adjusted based on the floodplain boundary adjustments. There would need to be a Comprehensive Plan Adjustment. And we would need to make sure that the zoning and land use plan maps are consistent.

With that I think that that pretty much addresses most of the comments and questions that have come up to date. But if not S.R. Mills is here in the audience, and I'm sure that he'd like to make a further presentation as part of the public hearing record.

Michael Serpe:

Jean, before he speaks putting something like this together was not an easy project. I don't know how many people helped you with it, but thank you. Very well done, thank you.

Jean Werbie-Harris:

Peggy did a lot of this work and working with the multiple meetings that we've had with the staff.

Michael Serpe:

Thanks. S.R., go ahead.

S.R. Mills:

S.R. Mills, 4011 80th Street, Bear Development. Thank you all for the time and continued effort on this. Per Trustee Serpe's comments it's been a lot of work and a lot of back and forth. We're hopeful that processes like this make better developments and better communities. And so, again, we appreciate the time. I won't get into too many of the details. I think Jean and staff certainly covered much of that. Just a couple other points, things that I heard at prior meetings that we'd like to reiterate.

First and foremost this will be a very high quality development for multifamily, for single family, exterior, interior. We're very proud of what we do, and that will continue here. Furthermore as it relates back to the concern on property values, I'm very confident that there will not be a mass exodus. There will not be people fleeing. And I guess there's nobody more economically vested than us with 50 single family lots that home prices from \$400,000 to \$700,000, \$350,000 to \$700,000 on average in and around there that we will not do something that creates a problem. So we've tried to work with staff, work with the neighborhood, do what we can to position it and to minimize impact and to make sure we're thoughtful on the design, thoughtful on traffic. So hopefully we're at a point here with something that can work for all.

Just the other comments that I heard at the prior meeting was we're not building housing for Foxconn. We're not looking to build housing for Illinois. I think while we've said this is for folks within Pleasant Prairie today, I think the data points to that. But data can sometimes just be data and not mean a lot. I think one of the best examples was Fresenius right before us talking about the 100 jobs that they're going to build with this new 500,000 square foot plant, 65 percent of them will be at an average wage of \$41,000. So just to, again, point back to the need in our community and here within Pleasant Prairie.

And I think those are the biggest points. We think we've tried to do a good job. Option 3a is what we think adheres to everybody's desires as best we can. We're confident it will be a very high quality development that we can all be proud of when we're done. And I'm here to answer any questions you might have. Thank you.

Michael Serpe:

Thanks, S.R. Jean, open it up? Item D and E are both public hearings, and we will open up to public comment. Anybody wishing to speak? Yes, ma'am? We'll ask that you give your name and address to start. Thank you.

Debbie Davidson:

Certainly. Hi, my name is Debbie Davidson. I live at 9115 Old Green Bay Road. My husband and I live adjacent to Creekside Crossing just to the west. And we built our 3,500 square foot house on two and a half acres 23 years ago when Creekside was a farm field. We liked having the open space around us, but Pleasant Prairie was and is and will continue to grow, and development is inevitable. So we want it to be an attractive development. And we've met with S.R. Mills and the Bear Property Management people to discuss the plans for The Vista at Creekside, and they've been fair and honest about what that multifamily housing will look like. And two of the units actually abut to our land to the north. And they have promised us landscaping to minimize any type of noise or light pollution from those units.

So a few things to consider as far as we're concerned. Bear is a trusted name in our community, and they'll remain here unlike many other developers who have made attempts at Creekside. We know the level of quality that Bear brings to the development, and if you aren't aware of that drive around Kenosha County and you'll see that. We also know that they plan to sell many single family lots in and around that multifamily unit, so it wouldn't make sense for them to put substandard multifamily units that are subsidized housing when they are looking to sell lots where

people will build houses for \$400,000. And we know they're concerned about the entire project, not just those multifamily units. So we support option 3a as presented this evening. Thank you.

Michael Serpe:

Thank you. Anybody else wishing to speak?

Bill Demo:

Good evening. I'm Bill Demo, 9285 66th Avenue. I'm also the President of the Creekside Crossing Condominium Association. We're in opposition to this plan. Our goal has always been to see owner occupied properties placed in the subdivision. It looks, and as I've mentioned in prior meetings, this whole project is just out of sort for this area. I don't know of anyplace in the Village where they've decided to put seven apartment buildings inside a residential neighborhood. All the other apartments have been on thoroughfares, main access to the road, and this just looks like it's shoehorned into place.

One of the things that really concerns me is the sidewalks. And even the comment that was made that was a little different is that Bear would put sidewalks in, complete the circle, we'd be responsible for snow removal as the owners. And now if we dead end them then apparently we could be assessed going forward and it would still be a cost. I'm very concerned about that because it places an undue burden on our homeowners. It's basically a tax. It's a burden that nobody else in the Village would have to pay if you put that development in. Right now we have a homeowner's association fee \$262 a month. That covers garbage, snow removal, all the things that we try to do to make sure that we maintain an exclusive property that makes this attractive to Pleasant Prairie and to future homeowners.

Our property value, even though \$175,000 is shown on there is really getting close to about \$200,000. We've got a lot of units that have sold in the last year. They're going on the market quick, and a lot of that has to do with the fact that we have beautiful properties. We spend a lot of time and money to make sure that they're attractive. And we are trying to keep our homeowner association fees down.

When we acquired the association or took over from Mastercraft, obviously Mastercraft went belly up, they also took all our reserve money. The condominiums need to have a reserve fund. You put aside dollars that will assure that you have money to do the necessary improvements, roof replacement siding replacement, all of that over a 30 year period. All of that money was gone. So over the last eight years we have really worked hard to not penalize our homeowners by jacking up and doing a lot of special assessments or raising those fees. We've tried to keep ourselves in line to make this attractive to people who want to buy in, but at the same time build up those necessary funds that are required to be able to make us a self-sustaining development.

Another thing that came to light is the mortgage rates had all dropped down to historic lows, you know, the first thing the mortgage companies looked at was what is the condition of your reserve fund when you're going into a condominium. So we put a lot of work to make sure that we're financially stable, and we're now dealing with trying to maintain our homeowner association fees that are reasonable. And, as I said, having to put these sidewalks in really just puts something on

our residents that would not be placed on anybody else in the Village if a new development was put in.

Owner occupied we have fought, it's in our declarations. But even as Mastercraft came in and turned it over we still had owners who were written up. We had rental properties. We have fought. We've brought attorneys in to clean all that up to make sure that we're owner occupied and that we maintain the appearance and the quality of our condominiums. That is it. But I'm sure we'll be talking with you some more. Thanks.

Michael Serpe:

Thank you. Anybody else wishing to speak?

Ron Hale:

My name is Ron Hale, 9098 62nd Avenue. First I want to say I feel cheated, lied to and deceived both by the community, by the Village here and by the developer. We moved here in 2012, built our house out at Creekside Crossing. We did our due diligence, looked at the Village website to see what the plans were, what the existing plans were in place, and everything was set. Fast forward six years now you want to put these apartments there. I think it's wrong. If we had known that we never would have moved here. We would have went to another community probably out west somewhere. A lot of things that I was going to bring up tonight have already been talked about by the lady over here. Great job on your presentation by the way. A lot of the history and things like that and what happened in 2015 when Bear came with their other concept plan.

One question I do have, a lot of what we heard tonight is not what was told to the residents in November at RecPlex. A lot of the income levels, a lot of the rents and everything they're greatly changed tonight than what was presented in November. With respect to the WHEDA, per the WHEDA website and per the former Lieutenant Governor it is for low income housing and moderate income housing. Nothing was ever mentioned in November about Workforce Housing. It was all low income. So tonight all that's changed. Bottom line, I'm here, I may be one of those that pulls up stakes if this gets approved. I don't want to live by a bunch of apartments. If I'd done that I would have moved into Kenosha somewhere.

I think we need to leave the plan as it was. Bear bought it, they were going to develop with the other single family homes or go back to the original 2005 plan and build it with all the additional condominiums they were talking about. In the 2035 concept plan or the original plan when it talks about I think it was 700 or 800 housing units, and there was no mention of apartments so why change that now? Thank you.

Michael Serpe:

Thank you. Anybody else wishing to speak?

Karen Denhartog:

I am Karen Denhartog. I live at 9203 62nd Court. I just have a few comments to make. I really feel like we've matured a lot in this process in developing this plan and working with the builder. And I feel very confident that we're going to find something that's mutually beneficial. As far as the option I think it's the lesser of all the evils. I honestly don't want apartments in our neighborhood, but I understand a little more now where we are as a community and the reason behind why you're considering this for our neighborhood. Option 3 I believe was the one that had all of the apartment buildings just to the west of Creekside Circle. That would be my preference.

I also want to ask if the Village will have a plan to audit the developer, independently certified rental approvers going forward to ensure they maintain the income to rental stipulations outlined in the plan. I would like to confirm that this Commission is going to submit for approval for a past Ingram Park on the north side of the community as was mentioned in the last Board meeting I think by John Steinbrink, Jr. He mentioned that we could put like a bike path or a walking path from the north side of the property to connect it to Ingram Park. And I think we can all agree we don't want to approve a particular plan because it's fast and easy. We do want something that's going to work well with our neighborhood well into the future. So thank you for your consideration on that.

Michael Serpe:

Thank you. Anybody else wishing to speak?

Ken Harju:

Hello, everybody. My name is Ken Harju. I'm at 9249 64th Court in Creekside. Happy birthday. I want to thank Mr. Serpe and Mr. Steinbrink that we're continuing with this process. Thanks for listening to the residents, and we appreciate everybody's time. I want to talk about Workforce Housing and how it relates to low income and housing tax credits. Traded by the Tax Reform Act of 1986 the Low Income House Tax Credit Program gives states and local allocated agencies the equivalent of \$8 billion annually to pass out. The Low Income Housing Tax Credit is a most important resource for creating affordable housing in the United States. So that means the federal government issues these federal tax credits, each state then hands them out.

In Wisconsin the Housing Tax Credit Program was created in 1986 to go along with this program. WHEDA was appointed by the government to administer the IRS Federal Housing Tax Credit Program for Wisconsin. And so in Wisconsin we've taken off the LI in front of the Housing Tax Credit. When this program went national it was LIHTC. In Wisconsin now WHEDA calls it HTC. Also, there is no such animal as a Workforce Housing credit. It doesn't exist. It's all low income. WHEDA hands it out, it's a HTC.

In December, again, I'm going to repeat myself, I've been to three or four meetings, the developer went before WHEDA and got \$24.98 million in tax credits. Low income moderate tax credits. There is no Workforce Housing tax credit. It's not even true, but we've been hearing about this since November. It doesn't even exist. The housing tax credit what it is is a dollar for dollar reduction of federal income taxes owned by owners/investors in qualified projects for

tenants whose incomes are at or below 60 percent of the county median income. So it's a dollar for dollar federal tax credit. Man, I'd love to have that.

So that means the poor people that are going to live in these low income units, the seniors living over here with lower incomes they're going to still pay federal income tax. But this is a dollar for dollar credit that they received \$24.98 million. You gave me the facts tonight that the whole project is going to be worth \$8.2 million. I assume the other \$16 million is to keep the rates low. We haven't had any transparency on all these numbers, and it's just kind of hard to understand how we can keep going forward with this.

I just want to read a couple of things. Excuse me, I'm going to get back to that page. In Dane County last year they developed their own initiative partnering with developers, social service agencies, banks and others to create the Dane County Housing initiative. The clearing house for information, housing availability for residents and financial opportunities for developers. They've also done the same thing in Madison. Madison officials have been clear that their housing initiative is aimed at the lower incomes. Right here it talks about low income versus workforce.

This quote is from Jim O'Keefe, the Madison Community Developer. County officials outside Madison typically describe their initiatives as attempts to create Workforce Housing. The differences can be a matter of semantics or marketing. Here's the quote. My experience is the terms are pretty much used interchangeably. As you might imagine Workforce Housing has a different connotation than low income housing particularly when you're trying to gain neighborhood acceptance. Low income housing particularly when you're trying to gain neighborhood acceptance, and that's what's been going on for three months trying to gain our acceptance to something that isn't.

Now, there's some stipulations. We heard it's going to be for 30 years. One of the two things, at least 20 percent of all units in a development must be reserved for households at or below 50 percent of the area median income, or at least 40 percent of all units must be reserved for households at or below 60 percent of the area median income. So it's low income, let's face it. Now, we've all been here. We've heard other communities, established task force, initiatives, consortiums, whatever it is, the Village needs to get together and decide how they're going to address affordable housing. It shouldn't be based policy on a developer getting a tax credit, coming here and by having a sense of social responsibility making us feel guilty when we don't vote for it. He's benefitting. He's not just social responsibility, he's benefitting. They've done it in Dane County, they've done it in Madison.

Now, there's a fifth option here. We're debating between 140 and zero. In Chicago right now who knows a lot about projects, they have a ten percent requirement when you build multi-units. So as Ms. Harris said there's going to be 350 units in this total thing when we get done. Ten percent of that is 35. Hey, let's compromise, let's have a real compromise. Let's all grow up, put 60 of them on Green Bay Road, and let the developer find where the other 80 go in the city and spread them out. That's what we need. We don't need a 1969 housing project. We need a 2019 approach to affordable housing. Thank you.

Michael Serpe:

Anybody else wishing to speak? Anybody else? We'll close the public hearing and open it up to comments and questions.

Mike Pollocoff:

Thank you, Chairman Serpe. I want to commend the staff on putting together a lot of information to try and get this thing to a point where the Plan Commission can make a decision on this and weigh the options. I guess to start off with I don't look at the Commission's responsibility, and I'm positive, it's not that I think, I'm positive that the Commission nor the Village Board has the authority or other responsibility to determine what level of risk and what level of profitability that a developer has. We don't have that ability, and it's specifically not reserved for us to do that. Now, under the statutes in a class 1 city of which there's two in the state, they're granted authority to having a separate housing authority to engage in that capability. That's doesn't exist under Chapter 61 for Village, and I think it's even limited under Chapter 26 that governs all cities.

So I think that to me whether or not a developer gets tax credits and to what level, the premise of that is that the developer takes on the obligation to make the public improvements in addition to what's necessary and follow some rules in making sure that the impact of those credits are passed on in the prices that are charged for rent, and then they're responsible for administering that system of rental subsidies within what they've described here. And I think to the extent that someone has to have three times the amount of rent available in their income to rent an apartment they're going to be there with some level of income.

My level of concern with this really kind of runs in a different area, and that's why I have my greatest concerns on this is to the extent that the Village is deviating from the master plan for the Creekside development. I remember when we approved that development it was -- at that time some of the people that lived on Green Bay Road said what are you doing, you're putting Cabrini-Green right behind us. We've got all this high density housing. They're going to ruin our property values, and it's going to be the worst thing that ever happened. At that time the Plan Commission said, well, based on the proposed development we don't think that's the case, and we believe it's going to be a good development. It's a mix of single family duplexes and multifamily, we think it will succeed. And it did, in fact, happen. The only problem with the development was it didn't happen fast enough to be able to outpace the great recession.

So now we come up to a new time where some things have changed. And there's some things that have changed that we as residents have no control over. I don't believe the Village, I'm certain the Village doesn't have the ability to say you have to rent this property or you have to buy it, you can't have a rental property, you have to buy it. You have to own that property. We don't have that ability now. I don't think even with the needs for a planned unit development where we have some authority to bargain that ability has been taken away. That's not the citizens' fault, that's not the Plan Commission's fault, it's not the Board's fault. If you want to place blame with somebody you've got to talk with whatever legislators passed this bill in the middle of the night.

My concern is that the options 2 and 3 and 3a we're deviating from the plan to the extent that we're loading multifamily housing into an area that's under the Comp Plan at best is going to be

residential, large lot residential. So in order to make the residents happy in Creekside we're going to take a situation of multifamily and make it far more dense than it would be in any other situation and load that in an area that's surrounded by large lot single family homes. And the plan never anticipated that we would do that. The plan anticipated that 91st Street would come out of Creekside Circle and match up with Old Green Bay Road, and that would be residential development as that occurred. And it didn't anticipate the level of density that's either on the north side of Creekside Circle or on the west leg of Creekside Circle on the inside.

So I think there's been a good effort on the developer's part to find a way to make this development work in such a manner that it's doable. The Village we have a couple concerns that are basically service driven. If this goes, if it happens, whatever option is ultimately selected Creekside Circle has to be completed. That bridge has to go in and the circle has to be completed because it makes sense for the guy plowing the snow to be able to get around. And I've seen too many instances over the years where a fire truck they're going to call and somebody gets nervous and they muff the address, and they get to a point where the dead ends and they've got to turn around and go all the way around and go back the other way. In fact, we even had a death one time where somebody was trying to do that and they actually got backed over by a piece of equipment by the Village. I know the members of the Board that were here when that happened including myself were not going to sign on to any agreement that's going to create a dead end where we're going to have people backing up with big equipment in a residential areas. It's just asking for disaster.

So I'm really not supportive of option 1 because of that level. And I'm not supportive of options 2, 3 and 3a, again, because we're taking -- in order to make a group of people more comfortable with the development in Creekside we're jamming apartments into another neighborhood, and I don't think that's the right answer. I mean Creekside was zoned to be multifamily. It is, that's what the zoning is and the plan shows that. Now, the plan currently shows that it's single family residential through a part of it. My inclination is to option 4 because that's the most compliant plan with the Master Plan and the Comp Plan that everybody's adopted.

The one gentleman, Mr. Hale, commented, I forget the exact words, but he wasn't pleased with what the Village did with this approval or with this development. We don't do the development. The developer comes up with the requests and we consider them. But we can't say, well, no more rental properties, everybody has to buy. And so option 4 gets you there, has more single family homes, it has density that's compliant with the original Master Plan but the people are going to rent it. And we really don't have -- to be honest with you I'm not sure how much control we have over the rent credits because that's what it is. We haven't formally adopted an application on that, I don't think one has been presented to us. All we've basically done is said here's what the zoning is.

So I caution the residents to be as hard on people that are looking to rent apartments. And these would be nice apartments if they're built to the same quality and standard that yours are or the same quality and standard that I'm accustomed to Mills building multifamily buildings for. They haven't built bad buildings. But those people need a place to live. We've all lived in apartments. I've lived in some really bad apartments. I lived in a mobile home park once. You live where you can afford it. But eventually everybody moves on and they go someplace else and it's not a detriment to the neighborhood.

But I think if the time isn't right for option 4 because the market doesn't work then the market's not ready. I'm going to make a motion to, and it can be amended, I mean this is just my motion, but I feel I would make a motion to deny options 1 through 3a and leave option 4 open if the developer wants to rework that option to comply with the existing plan. Which I really believe we have an obligation. If we're going to adopt the plan, the Master Plan, Comp Plan for a certain development then we have an obligation to live up to it. If somebody wants to come in and develop under that plan then that's the game that we're in and we made that commitment. We can't live up to no rental equipment agreement anymore, but it would be the density that's prescribed.

It was encouraging to hear Ms. Davidson say that they would be willing to have it by their home. You don't always hear that at these meetings. And I agree with you that I believe that Mr. Mills represents this company well, and they would do what they say they're going to do. I don't think that's the question in my mind. My question is what is the commitment that the Village made to the people in the neighborhood in that area when we adopted the Comp Plan and do we go back on that now. I think some of these developments are easier to do in an area where the Village has planned for multifamily development at a certain density where we've gone through the process where everybody said we're all supportive of high density, and I don't hear that here. So that would be my motion, Mr. Chairman.

Michael Serpe:

Is there a second?

Brock Williamson:

I'll second.

Michael Serpe:

Motion made by and seconded for approval of option number 4. On the question. Anybody?

John Skalbeck:

I've got a question about option number 4. It's the only one that doesn't have single family homes along the north side of Creekside Circle. I was just curious about that. And then also it's the option that doesn't have any sidewalks.

Jean Werbie-Harris:

So the option 4 that the staff put together was in response to some comments made at the Village Board meeting. So this was my staff's attempt to show everyone what the current zoning allows. This isn't a completely vetted out conceptual plan that shows all the lots and the dimensions and the sidewalks and so on and so forth. But it does reflect the current zoning of the property. The current Comprehensive Plan right now is single family. This current plan for zoning shows multifamily. So we currently have a conflict between the neighborhood plan showing single family which was adopted in 2015 and the zoning of the property because that's where it stopped.

They never took it to the next step to bring the zoning in conformance with the Comprehensive Plan.

So while this is an option for discussion purposes, I have a little bit of a concern about adopting it as a conceptual plan because it doesn't vet out all of the details that the other previous plans that they had put together does. So I don't know that I would approve it. But if the Plan Commission wants to provide direction to the developer that you would be more inclined to approve option 4 that sets forth all of the details of a typical conceptual plan that would be fine. The situation is that I need to have a Comprehensive Plan or Neighborhood Plan the same as the zoning. That would be ideal and a conceptual plan that matches both of that. So that is our goal.

Mike Pollocoff:

I have a question. Jean, does option 4 not represent what the Phase 2 of Creekside was?

Jean Werbie-Harris:

It does not and I'll tell you why. Peggy is going to bring that up. Because the original Phase 2 or Phase 4 or 5 or whatever you want to call it, the balance of the undeveloped land, it had shown a PUD. And so because of that PUD it didn't have individual lot lines, and it showed common open space because it was developed as a condominium. But the purpose of this option 4 was to show you -- oh, our system just crashed, she's going to try to get it back, what this option 4 was intended to show you is this is what the zoning allows today, the basic districts. Not with the PUD because we never put a PUD on it because it never got advanced.

The original plan that if we didn't have the recession it would have showed exactly what was originally proposed with the PUD. Does that make sense? I mean zoning is basic use districts today, no PUD, but what Peggy put together here is this is what the basic use districts would allow. So while I'm hearing that the Plan Commission is inclined to support this one because it's based on the basic use districts, I'm concerned about approving it just because I'm not versed -- I don't know if it's what the developer is really interested in doing because he has not put together all the details and has not vetted it out. So the plan that Peggy has just put up there now, again, that is reflective of not only the underlying basic use district that was envisioned at that time, but it also is reflective of a PUD which we have not every placed on the property.

Mike Pollocoff:

So in essence on the PUD we never put on if the development would have proceeded that's what our concept was at the time it would have met.

Jean Werbie-Harris:

Correct, that was the concept.

Mike Pollocoff:

So those units matched the same density as the units in the beginning phases.

Jean Werbie-Harris:

Correct, correct.

Mike Pollocoff:

And I guess that's what I'm saying, and I understand what you're saying. It hasn't been -- because I know we don't generally just zone on colored boxes. But it was the concept. So maybe I'd amend my motion to direct the staff to work with the developer to prepare a conceptual plan that reflects the original intent of the Creekside development as reflected on that plan you have up there. And I agree that isn't -- I'm not recommending we rezone that document, but I think that's the direction we're heading. And then Mr. Mills is going to price it out and see if works or if it doesn't work. And if it doesn't work it probably just isn't time yet, the market isn't ready for it.

Jean Werbie-Harris:

And just to further clarify as you can see the original plan showed multiple cul-de-sacs from Creekside Circle coming in on the west side, on the north side it shows another cul-de-sac. And so I have no idea if he's even interested in pursuing things at this time.

Mike Pollocoff:

Were those envisioned to be private cul-de-sacs at the time or public?

Jean Werbie-Harris:

It looks like private similar to the ones to the south.

Michael Serpe:

Mike amended his motion. Brock are you going to --

Brock Williamson:

Yeah, I have the same concerns about the density so I'd like to look at this option further. It certainly doesn't mean it will go anywhere, but it at least opens it up maybe to the original plan so I second.

Michael Serpe:

Any other comments or questions?

Jean Werbie-Harris:

Yes. Okay, so the Plan Commission is looking to deny options 1, 2, 3 and 3a?

Michael Serpe:

We haven't voted yet, but that the way it looks like it's going.

Jean Werbie-Harris:

Right. And then with respect to this option 4 are you directing that the staff meet with the developer unless you want to bring the developer up here, but I'm just saying we're going to have to come back with the conceptual plan that addresses this 4.

Michael Serpe:

I understand.

Mike Pollocoff:

I would think if the staff wants to meet with the developer and give this to him and see if they want to work it out and price it then I think that might be a more meaningful or legitimate conversation to happen at that time. I mean if we want to do it right here at the dais, but just as you said we don't have much more other than what we knew back when this plan was put together.

John Skalbeck:

I heard that the developer has a preference of 3a. And since the last meeting I've just been curious what this would look like without apartments. So option 4 is without apartments. I'd be curious if the developer was even interested in moving forward with that.

Michael Serpe:

S.R., do you want to add something here?

S.R. Mills:

Thank you. I think an important distinction is apartments. So the land as it was developed and entitled prior when Mastercraft owned it was 158 units, combination of 8s, 4s and 2s. So as we started in this process the thought was based on the feedback that we had received to date was to bring in some multifamily -- excuse me, bring in some single family to balance out the multifamily. So as we started this process months ago we've decreased the density, we've added to the land to the west, we've shifted things around in response.

If the goal is to go back to the original 158 units of all multifamily it will be rental, we'll do it. I mean that was presented months ago. I don't think that's any of the feedback that I've heard to date, but with the idea of trying to bring single family in. But we're kind of reacting to the comments we get. So if the goal is to go back to the original plan, build the multifamily, we can do that.

Michael Serpe:

Comments or questions? Jim?

Jim Bandura:

Question to staff. So, Jean, the 8, 4 and 2 units kind of goes with the Comprehensive Plan, correct?

Jean Werbie-Harris:

The Comprehensive Plan shows single family right now.

Jim Bandura:

So all the yellow was the single family?

Jean Werbie-Harris:

The Neighborhood Plan which is the Comprehensive Plan in this case shows single family. The zoning shows multiple family. I would not recommend that the Plan Commission give any direction other than to ask the developer to withdraw and submit. Because he's going to have to come back if he wants to do multiple family. And if he wants to do it at the same density as Creekside he will need to come back with a PUD request as well. And without having presented all that to you as part of a staff memo I'm not comfortable in getting -- and there's no public hearing for that this evening, so I'm not comfortable having the Plan Commission say that we would support a PUD for 158 units when by right all we have is the zoning that is there, and that's 102 units by the current zoning. Comprehensive Plan obviously is in conflict with it.

I'd be more inclined to recommend denial of everything and ask the developer to re-vet out everything and resubmit a Comprehensive Plan Amendment that matches his Conceptual Plan of what he wants to do with a PUD if that's what he's requesting in order to get additional units in this area that matches more closely what was done in the original condominium project other than that was intended to be owner occupied and he's looking for a rental project.

Michael Serpe:

S.R.?

S.R. Mills:

Just my only point of clarification, the 102 units here is an estimate.

Jean Werbie-Harris:

Correct, correct.

S.R. Mills:

We went back and we looked at the zoning and digital overlay, and we looked at from the standpoint of, okay, what statutory zoning could we do without going for a PUD. I think it's probably closer to 138 is the way we had it laid out. But again that's here nor there.

Jean Werbie-Harris:

And it could be because --

S.R. Mills:

Yeah, we haven't gotten into it to the level of precision that we would, but we would not want to go through the PUD process. It's straight line zoning. We would try our best to adhere to all the existing rules and criteria. I'm not sure if we could. There's a lot of vetting out we have to do to work through that.

Jim Bandura:

But a PUD would give staff more leeway to work what you.

S.R. Mills:

And I'm not sure if we would need it, though. So the zoning right now as it sits is the multifamily zoning. The overlay that we had done looked within that existing zoning, can we just make it work. And I think to some degree we probably have 50 attempts at this with all of the different iterations that we've done. And so we've been going through this for a while, and we're just trying to get some headway here and get some clear direction. And so I think our preference would be, it doesn't seem like we're getting very clear direction, so we would probably look to just keep with the straight line zoning that's there, take some of the subjectivity out of it and try and move this forward.

Jim Bandura:

So looking to staff and Jean what he's saying what's your take on it? I'm inclined to go along with you to deny all of this and rework it to make this work.

Jean Werbie-Harris:

The zoning is what it is, and he has the right at any time to make an application based on the straight basic use zoning for the property. The situation is I don't have a Conceptual Plan before you or a Conceptual Plan that mirrors what we need for the Comprehensive Plan Amendment for you to take action on this evening. So if you choose to deny everything this evening and give some direction to S.R. to resubmit, he should just resubmit that meets everything if that's what your intention is. Because we can't approve -- even the sketch that we just did was just to get some additional direction.

Michael Serpe:

We have a motion on the floor, Mike.

Mike Pollocoff:

I'd be willing to withdraw my motion and resubmit one to deny all four and then allow the developer to come back and submit another or more options that are more compliant with what our concerns are.

Michael Serpe:

Brock, is that okay?

Brock Williamson:

I'll second.

Michael Serpe:

Nathan?

Nathan Thiel:

So just one point of clarification, too. The 102 that we're showing here on option 4 which could be 138 also do not take into consideration the additional property along 91st. So just that we're clear that that would also probably go into calculations. Now currently that's zoned single family so we know what that's zoned. But I'm just pointing out that that's also a part of the equation. I just think that we need to at least be cognizant and aware of if that makes sense.

--:

I agree, that makes sense.

Michael Serpe:

Okay, now we need a motion to deny.

[Inaudible Background Conversation]

Michael Serpe:

Go ahead.

S.R. Mills:

Thank you. I just want to be clear, too, as we're taking some direction to make sure we can move something forward. So we've heard a lot of feedback with regards to the desire for single family

or less density. So it sounds like the recommendation is going to be for us to go back and do the straight line zoning. So we're going to propose then multifamily rental in exactly where the area is now in Creekside on the 58 acres. And so we're going to do something along straight line zoning. I just feel that we're going to have a lot of angry residents, and maybe that's okay. But I am a little confused. But if that's the direction I just want to be very clear with the path we're going to go down so I'm not getting yelled at as much. Because I think you guys are going to get yelled at, and maybe that's okay. But I'm just trying to be clear and concise and forthright with everybody.

Mike Pollocoff:

Maybe my intention on this is that I'm not saying -- I'm not recommending you go to straight line zoning. My hesitation on this was the density of the multifamily and the fact that had grown out onto 91st. I'd put it back to you. I guess the direction that I would be giving is to relook at an option that brings the densities down to a more acceptable and not cluster multifamily into such a tight space as you did. I think you heard from the residents there that they'd rather have more owner occupied properties which would lead you to follow single family housing. But you're going to be the one that's going to determine what works or not. But I'm not saying do straight line zoning. I'm saying take it back and come back with a plan that was more compliant with what the original intent.

S.R. Mills:

I mean with all due respect this is about our 60th iteration. We've been working on this thing for years. And I can appreciate that, but at the same point I think we've created a lot of different iterations and spent a lot of time on this. I don't feel how we're being put in a position after we've come up from another five options from the last time we met, and we've received feedback to do anything but straight line zoning. And so I just don't know how to respond to that because I feel like we're going to be back in this situation, and there's going to be a whole bunch of residents who are going to be really upset next time. And then we're going to go through another round of this and we're not going to be any further. Again, I've got all the respect for everybody on this Board, but with that I want to be very transparent and straight about it.

Michael Serpe:

With the first Plan Commission meeting, S.R., that we had, prior to that I thought the project might be okay because I only got two phone calls from Creekside residents, and I heard there was a meeting at the RecPlex and I hear it went well. Now I'm hearing a little bit different stories. And then the night of the Plan Commission meeting spoke. And to be honest with you I didn't sleep much that night because it bothered me significantly.

I think what we're looking at right now is to stick to the plan so when people come into Creekside, the original right now, and they go into the expansion it looks pretty much the same as what they have. That's what they bought into. I can understand that, they made that perfectly clear, and I believe in that. I went out there last week, and I went out to the northwest section, and I looked where the apartments were going to go. They just didn't fit. They just didn't fit in that area. So I think we're only asking you to make this project as nice as what's presently there. That's all we're asking, and I don't think it's a big request.

S.R. Mills:

And I'm very confident that the options up there would be just as nice as what's there, especially with the single family. But what I'm hearing tonight, and that's fine, again I'm just looking for some direction to be able to take action items and move forward and do what this Board is requesting. We will not show any single family. We will then revert back to a multifamily only in line with the zoning or close in case the PUD is necessary. That's what we'll do.

Nathan Thiel:

Just to kind of clarify where positions are being taken, so the thought process is there's a sense that the neighborhood is not happy with any of the options that were presented here tonight. There was a comment made of 3a, and then another that mentioned 3 as being acceptable. Mike Pollocoff mentioned that we're still tightly dense along 91st Street. Where I'm going is that we can either -- and then S.R. is bringing up the fact that if we go this other route where we say, hey, we're going to re-evaluate, go straight zoning, most likely it's going to result in them figuring out something that works for them which will most likely require rental. And then when it's rental it's going to cause an uproar amongst the neighbors.

I guess I don't know how to navigate this specifically, but there are two thought processes. You can either go the route of saying, yes, we understand, we want to keep the density the way it's currently zoned. We understand the neighbors' concerns, but it is what it is and we're going to proceed forward. S.R., please move forward, bring back an alternative Conceptual Plan. Or you can go the route of trying to figure out a 3 and 3a, some middle ground. I don't know how you make that work unless you just get rid of the rental unit, make it from 7 to 6 units because you're splitting the baby one way or the other, right, where one person doesn't want it abutting them, and another person doesn't want it on the other side. I'm just stating all this just to be clear as far as kind of direction, this is kind of the decision before the Commission.

Michael Serpe:

To Bear's credit if they were to develop units that would be rentals we have no control of telling him he has to be owner occupied. State law took that away from us. I have enough confidence in Bear Development that they'll maintain those units just as well as what's out there right now. I sincerely mean that. I've seen what they've done in the past, I know what they can do in the future, and I have no reason to doubt that those units will be maintained just as the ones in Creekside original.

Jim Bandura:

So the question to the staff is denial and then reworking this you're not opposed to it, correct?

Jean Werbie-Harris:

I think you need to give direction that if none of the options on the table that you see right now and you need to deny these options and S.R. needs to bring back a Conceptual Plan that addresses the plan that he would like to move forward based on the zoning that's in place and then it gets

reconsidered. Because the plan that you have before you with option 4 is not what he wants. And we're not going to go on to the Board with a plan that he doesn't want. And it was not vetted out in the same means and methods as the other ones were. And he just has to come back with a new plan. With a new plan I still have to notify the neighbors. And, again, the other thing is the sidewalks. I mean we do need to get some clear direction on sidewalks as well so that he knows what type of plan to put together.

So we're not in a position I think today to adopt 4 because we don't have all the details. I mean I think he heard what you have said, and he will need to make a decision as to what direction he's going to go. And, again, the Plan Commission makes recommendation, the Board will take that final action.

Jim Bandura:

So we recommend denying all four of them.

Jean Werbie-Harris:

Unless you want to approve 1, 2, 3, 3a or 4.

John Skalbeck:

Can I ask another question? I heard one of the residents prefer option 3. The developer prefers option 3a. I'm just curious 3a has got the one apartment inside, 3 is on the out. What's your preference for that?

S.R. Mills:

So 3a. So one of the reasons the Davidsons were here tonight speaking on their concern, after the last Board meeting we had further discussions. We actually had option 3 which is the multifamily building to the west for the example there. And so we were able to rework it and push the multifamily building to the east and actually have additional single family abut their property. That works for us. One of the biggest concerns is the drainage and getting everything to flow. Unfortunately low points are low points, and we don't have all the flexibility to push that around. We have to work with the contours we have. But we thin option 3 works well.

I heard one of the comments earlier the lesser of evils. I get that we're not going to please everybody. I think the development is going to be great. When all is said and done everybody will be very happy about it. But at this point we're just trying to find something that's palatable to move forward. I think 3a works. Financially we think it achieves most of the residents' comments and feedback. Again, I'm appreciative of the understanding the Commission has with the spot we're in, too, just trying to figure out something that works. We're doing the best we can, and we'll continue to grind it out and work and come up with options. But I just don't want to surprise anybody either if we revert back to option 4 and it's a straight line zoning. But option 3a I think works. It seems to work the best with the feedback that we've heard, and we're comfortable moving forward with that option if the Commission would allow us to.

John Skalbeck:

I have a lot of questions. I just want to make sure I understand the term straight line zoning. When you say that then basically it will be more multi-unit homes?

S.R. Mills:

It will be very close to what was originally approved. Now, what was originally approved --

John Skalbeck:

And when I heard the groans out there they're not liking that.

[Inaudible]

S.R. Mills:

No, and that's the feedback that we've heard the whole time.

John Skalbeck:

But that's the way it's zoned right now.

S.R. Mills:

Correct. And so we've been working very hard to try and solve a lot of --

--:

But it's zoned for ownership.

S.R. Mills:

No, there's no zoning for ownership. The only zoning is for building type. So it's multifamily or it's a single family dwelling. So right now if we just wanted to come in with the straight line zoning we could certainly do that. What we've tried to do, though, is be good neighbors and gel together all the different component parts and talk of sidewalks and things like that to find something that we think fits. Again, I think that's where my earlier comment is I can hear the groans, too, so I don't want any surprises. We'll do whatever, but I think 3a works best, but if that's not the direction and if there's bigger concerns that's okay. We're just looking for some direction.

Jim Bandura:

So option 4 is still rental.

S.R. Mills:

Yes.

Mike Pollocoff:

We can't change that.

Jim Bandura:

That we can't do anything about.

Michael Serpe:

But it looks more like the original.

--:

It's more consistent with the rest of the --

S.R. Mills:

Like the original proposal. If that was the concern we can address that.

Michael Serpe:

I'd prefer that they look at option 4 -- I mean deny this and come back and have the Creekside addition look more like the Creekside original.

S.R. Mills:

We can do that. With all the feedback, again, we're at the discretion here of the Commission, the feedback that we heard would be 3a, but if you want us to drop that and come back with something that mirrors the original Mastercraft proposal with the understanding that it's going to be a combination of 2s, 4s and 8s and a rental product and it will be within the zoning we'll get moving on it.

Nathan Thiel:

S.R., one other question. So like I had mentioned before we had two examples, 3 and 3a, one person preferring 3. And I know we can't base it off of one person's preference. But clearly we're trying to be good neighbors and so forth. If that rental unit were eliminated that was in Creekside so that it just was the six units, I mean what would happen then?

S.R. Mills:

Some of it goes back to trying to absorb some of the infrastructure costs. That was really a lot of the reason for having one multifamily building to the east. That we didn't want to pack too much

into the west over there. I guess I would look back to the Commission to ask what the concern would be with that unit. I mean as we think back to the original Creekside plan we have a lot of multifamily units throughout the development. So really what we've done here is we've taken out 90 percent of the multifamily and traded it in for single family. So now we're left with one multifamily unit in what was the original Creekside development. I think we could make those changes, but I need to understand a little bit better so we can try and solve for it what the concern would be from the Commission to have one building in what would be the entire area of the original Creekside development.

Nathan Thiel:

So from a staffing perspective I guess I would just throw out there's two things, two concerns at least that I'm hearing. And by the way I'm not a planner by day or by night, but two concerns that I've kind of heard consistently. One is with either 3a or 3, and I think Mike said it very well, is that approving this apartment complex or this grouping of apartments, the density there, and having it then zoned as kind of the large acre lots, the question is the fit, right? And so just approving it to approve it, it appears like poor planning, right? Likewise having the single unit or one single kind of off the spoke there was a comment earlier made, and I think that it was appropriate, was driving through residential to get to an apartment building also feels a little bit off or poor planning.

So I think those are the primary concerns. That's where there's this struggle. And I think that that is where the Commission is kind of going with saying, you know what, and we're hearing you loud and clear. We've heard the neighborhood loud and clear. We've gone through this process now three and potentially a fourth time. In fact, if we went back to originally there are probably even more times that Creekside has come up and there's been discussion. So the one thing that I will say is that I feel like the process that we've gone through has been forth front and trying to make sure that we hear and address everyone's concerns and evaluating this in an appropriate manner.

So, anyway, I guess I just wanted to speak to your concern why eliminating that one building I think that from a planning aspect it feels out of place. And I think that where we're struggling a little bit with even the six units is, again like Mike said, we're packing a lot of apartments in a smaller area. Having said that we're trying to address a multitude of concerns. So we're not turning a blind eye. We're not trying to pull the wool over anybody.

I just want to make one other point of verification because there was a concern about the sidewalks. I'm just going to bring it up. The intent is not to go out and assess individuals on sidewalks. The concern, though, is that if we create dead ends eventually it's like kicking the can down the road, and somebody is going to want to solve for it. Somebody will. Eventually it's going to want to be completed. And if we don't do it in the development now then what we're begging for is we're kicking this can down the road, and who is going to pay for it? It will be more than likely given the policing powers of a municipality the owners in front of that property. And so I just wanted to clarify that one point that while it's not an intent to create hardships, we're really trying to solve for a hardship now. And so I hope that that's understood and recognized rather than the assumption that somebody is trying to take advantage.

S.R. Mills:

Probably not to have a back and forth here but I echo that. And I think that's one of the things, too, when you talk about the PUD process and going through that we recognize sidewalks, we recognize the need, we've developed a lot of different communities and understand there's a cost burden, too. That if I owned a condo unit in Creekside the last thing I'd want to do is pay for the maintenance. But the last thing I want to do is pay for the installation. So part of this through this PUD process what we've said is we want to be good neighbors, we're in town, we're local, we'll pay for the sidewalk all the way down their property, too. We'll pay I don't know how many hundreds of thousands of dollars for the installation. We're okay doing that, and we've absorbed those costs into option 3a. Now if you don't want sidewalks, okay, that's fine, too.

We understand the Village Administrator's comments. I think there's some truth to it. I know the decisions aren't easy for anybody especially on the Commission and they're not easy to hear from a resident standpoint so we're trying to lessen that burden. I think that's one of the benefits of option 3a. I also fully appreciate the fact that the comment that the building seems a little off. Unfortunately we've got wetland and lowlands on either side there, and that's what presents the real world challenges of getting it to fit. We have I think addressed the idea you don't have to drive past single family to get to multifamily from the standpoint that everything comes off of 91st there. Option 3 before had it all contiguous. Again, we're kind of masters to a lot of different people in this process. And we think option 3a has a lot of legitimacy. We think it appeases the neighbors, puts a sidewalk in for them. It's maybe the best of all worlds. Again, we defer to you and your comments.

Jim Bandura:

S.R., the option 3 really pulls all of the rental units towards Old Green Bay.

S.R. Mills:

Correct.

Jim Bandura:

That's 3a, or 3, sorry.

S.R. Mills:

So option 3 and option 3a the only difference is that the one 20-unit building is either on the west or east side.

Jim Bandura:

Right, it goes from here to there. So option 3 would be a far as rental goes --

S.R. Mills:

And we're really addressing the Davidson's comments. For us to be able to put it on the opposite side my preference would be to appease our neighbors here and to push it on the opposite side because I don't think anybody's ox is being gored necessarily. We're the ones taking the risk of having single family all around it, would be our single family. We're happy to do that if it makes the Davidsons happy and is the preference of this Commission.

Michael Serpe:

Any other comments? Brock?

Brock Williamson:

Do you guys have anything like an option 4 you're doing right now?

S.R. Mills:

For an option 4?

Brock Williamson:

Right, or you have any like multi --

S.R. Mills:

We did something just as a straight line zoning to do an overlay to say, okay, well if we just went back to what the zoning is today, no PUD, what does it look like? And so we have an iteration of that, it's not --

Brock Williamson:

But I mean are you guys current managing anything that would look like this?

S.R. Mills:

Oh, yeah, lots. I mean in Paddock Lake right now we've got 60 units going up next to 80 single family. In Salem we did 48 units next to 24 single family. Arbor Ridge, really at the end of the day Arbor Ridge what we did there is not that different. We weren't involved in doing the multifamily, but we're doing all of the single family, the lots across the street. And we've got four stories of multifamily right across the street. One thing that's important to remember, too, is these buildings here we're talking about are no bigger than the eight unit buildings at Creekside. So from a physical plant standpoint as you drive by and look at it, if you took four of those eight unit buildings and put them where our 20s are they're about the same size. And they're two stories. They're more or less the same square footage.

So the best example from how it would feel is we just look to Creekside as it sits today. You've got single family that's there on the east side. You've got multifamily to the west. It will look and feel no different than the plan that we have. The only thing that we're really honing in on is who is going to live there. Is it going to be renters or is it going to be fee simple. And I think it's accurately portrayed. And as Mike mentioned I get it that from a municipality standpoint you want the right to govern that, but you don't have the right to govern it. And so that kind of is what it is. And we're going to make sure it looks good, we're going to make sure there's great citizens, we're going to make sure it's well maintained. That kind of where we're at with it as well.

Nathan Thiel:

So, S.R., I believe Brock's question, though, just going back, if you were to do a development like 4, or the thought process of 4 where you have a bunch of eight units, you have some duplexes, you have some four quads, do you have a development similar to that? Because Paddock Lake I believe that's just an apartment complex, correct?

S.R. Mills:

It is. So we have a ten unit building out there which is a series of townhomes so it's not too different. And actually Meadows in Mill Creek and Salem is a good example where that was originally entitled as a duplex development, 56 units there. And so it was a combination of duplexes. So we took that exact same product that was improved under -- the assumption was going to be it was sold as condos. We took that same product and we did Workforce Housing there, it's worked out well. And we have 24 single family lots due west of it. So from the vantage point of we have an example of not large but scale buildings where we've paired Workforce up next to, or any kind of multifamily up next to single family, we've got lots of examples of that.

John Skalbeck:

So the Workforce Housing program would still be in the mix?

S.R. Mills:

Yes. I mean if we go to option 4 we'll do option 4 as a combination of 2s, 4s and 8s, it will be Workforce Housing and we'll move it forward.

Bill Stoebig:

How has the resale gone like in that Mill Creek development or some of the other places?

S.R. Mills:

We just sold out of -- our final lot/house package there was like a \$475,000 lot/house package right across the street from it. That's where I get some face, too. I mean this is the community I live in, and I don't like having angry residents either. But I can tell you I'm very confident with

the product at the end of the day and at the values where we've been in this situation before. We know we're going to do a high quality product, and I'm not concerned about the resale. I like option 3a better just because I think it makes everybody back here a lot happier. And that's what we've really been trying to do the whole time. Again, option 4 if that's the direction you want us to go we will.

Michael Serpe:

What would be the layout in option 4 as far as Workforce Housing goes? One bedroom, two, what would you do with those.

S.R. Mills:

It would really be the exact same of ones and twos. And so what we would do is we'd create a duplex building, so we would create buildings to mirror the existing zoning out there. So we would have a two, a four and an eight. I think that's what the zoning looks like. So we would try and pull a lot of the architectural features that we have right now in the 20 and create combinations of duplexes, quads, and eights. And then it would probably be comparable to the old Mastercraft development, again, that was done under PUD so I can't say that with complete knowledge on it. We'd have to lay it out. But I think it's fair to say it would be pretty close.

Michael Serpe:

The size of those would be?

S.R. Mills:

The duplexes those would be more of three bedrooms. The fours we'd probably have a combination of the ones and twos, and the eights would be a combination of ones and twos. So the makeup would be very, very comparable. As you look at the 140 units today, you've got a 700 square foot one, an 1,100 square foot two bedroom, a 1,300 square foot three bedroom. We would just configure those buildings to --

Michael Serpe:

But in original Creekside we don't have that layout.

S.R. Mills:

Correct. The layouts are different absolutely because you had much bigger units square footage-wise.

Michael Serpe:

That's kind of where I was going with this, and obviously you're not agreeing with that.

S.R. Mills:

Just from the standpoint that we couldn't go back and do Creekside, the original layout even if we wanted to. The condo docs have expired, the PUD, there's different rules, different regs where that's not even available to us as an option. So to go back and do those exact same units, and I also think over time I think the buildings would be fresher.

Michael Serpe:

So what you're saying is that if you do this it's going to be Workforce Housing.

S.R. Mills:

It will.

Michael Serpe:

And that seems to be a concern of the residents.

S.R. Mills:

Understood.

Michael Serpe:

And it's a concern of ours as well.

S.R. Mills:

And that's why we've come up with option 3 and 3a, and we're trying to come up with a lot of different options. We've been working real hard to accommodate.

John Skalbeck:

Well, since the last meeting I thought quite a bit about it. I was trying to wrap my head around the whole thing and opposition and actually was kind of concerned about some of the comments. And tried to think about, well, what kind of communities do we have where you have mixed uses. I mean there's plenty of places where you have mixed types of dwellings. And could Pleasant Prairie be a place like that. I don't know. I guess that's why we're here talking about it. But it concerns me when I hear that just because there's housing that is of lower cost that there's an automatic reaction that that's a bad thing.

S.R. Mills:

I concur. When it goes back at the end of the day when we think about the rental rates and who is going to be there, and I keep going back to Arbor Ridge because it's right here, the rental rates that we're looking at, I think it's Highpoint, the four story development right across the street,

Skyline, excuse me, are about comparable to what we're talking about here. I think really the only difference is because of the credits we're able to build in my opinion a better building. We're able to put a lot more money into making it look like a great looking wrapper and high quality. But the rental rate that somebody is going to pay is going to be pretty comparable. And we're doing 45 single family lots right across the street.

John Skalbeck:

I got my first start in a low income apartment right adjacent to a high income neighborhood in Long Beach, California.

S.R. Mills:

It's just good management. Again, I still have a problem talking about \$1,450 a month being low income. It's a pretty high rent.

Michael Serpe:

What would the values of these units be?

S.R. Mills:

Well, the value goes back -- I think Rocco had his assessment at like \$8.1 million.

Michael Serpe:

So the individual compared they'd be much less than present Creekside?

S.R. Mills:

The way they look at the income this income approach to the value, so if it was all unrestricted rents where there wasn't a rent at \$700 a month, everything was in the \$1,000 a month, the assessed valuation would be higher. Now, one of the ways we've tried to balance that in looking at the assessed valuation, if you look at Creekside the way it assesses out now, the inclusion of 50 single family homes in there we'll have about \$22 million in assessed back to the Village from the single family. I think it balances out to the favor of the municipality. But the overall development cost will be \$45 million when it's all said and done between all of the vertical improvements and all the horizontal improvements.

Michael Serpe:

I just wish you weren't so stuck on Workforce Housing.

S.R. Mills:

I get it. As you guys know we've been trying to figure this out for six years. And I'm also very proud of what we do. And I guess I do -- I've been to a lot of meetings, I've had a lot of angry

neighbors. And at the end of day I can tell you, though, that when we're done with our product there's no more angry neighbors. So I get it, but the commentary before, I don't think somebody that makes \$28,000 a year is a bad person. And I don't think that somebody from \$28,000 to \$60,000 and as we hear from the residents beforehand, 65 percent of their workforce is going to average \$41,000.

Michael Serpe:

Can I ask a question, S.R.? Somebody making \$28,000 a year paying \$700 a month rent, doesn't include their utilities, doesn't include their car payments, doesn't include their insurance, it doesn't include their groceries. What can they have left after \$28,000?

S.R. Mills:

Well, it's exactly why they say they can't spend any more than -- we won't accept anybody that spends more than 30 percent of their wage on their income. It's a tight window. Because you're right to have a high quality place we don't want somebody that has 35 or 40 percent of their income going to rent because there isn't much left. And so that's why programs like this exist, too, so we can build really high quality stuff and still -- we're not giving the units away, this isn't Section 8, but give it for a couple of hundred bucks less, that way somebody can actually afford to put food on the table and buy their kids books. That's who it's designed for. And I think your point is spot on.

Mike Pollocoff:

So our last motion was to deny all of them and direct Mr. Mills to work with staff on an iteration of the original plan for Creekside. And I guess that would still be my motion. But if he wants to include option 3a again -- I mean because we're denying it now, I mean as we evaluate it more and get feedback from the residents, I'm seeing people shake yes to 3a and no to 3a. And so we're all over the place. But that's where I think we need to go. Because I think in order to evaluate this with some consistency that's why I'm kind of driven back to the original Creekside plan as to what the concept was. But with that comes the poison pill, and I hate to use that word, but that it's not condos anymore and it's rental and we can't fix that. So if we want owner occupied it's going to have to be single family if you want to get that balance.

Jim Bandura:

[Inaudible].

Michael Serpe:

Microphone.

Jim Bandura:

She was mentioning option 3 fitting in better and pulling that one unit out closer to Green Bay Road. But I can understand what Mike is getting at is the density here. But, again, we have no

control over rental. And if it gets the rental out of Creekside as much as we can that might be an option.

S.R. Mills:

And I guess from our standpoint what ideally we would like is just to try and continue to move the process forward. I don't think there's been a lack of input, and I mean that in a positive sense, and there will continue to be. If it's possible to get a recommendation to take to the Board and we can keep this moving forward I guess I want to make sure we're making progress, not spinning anybody's wheels on the Commission. Whether it's 3 or 3a if we could make that decision we can bring some input and make it the next Board meeting we're happy to do that. We want to move it forward if we could.

Jim Bandura:

I'm sure if we included -- I'm sure the residents will be back and talk about it again. So it's up in the air.

S.R. Mills:

I've got a feeling from hearing commentary behind us if we go back to an option 4 I think I know what we're going to hear. Nobody is very happy about that. So if it's a 3 or a 3a if it's possible move it forward and understanding that the Village Board has to approve it.

Jim Bandura:

S.R., I think I asked you this at the last meeting. Did you happen to go through the Village and see if there was any other properties available to do this kind of development with WHEDA?

S.R. Mills:

Yeah, I mean, you know, we've got a -- we're doing a variety of mixed income developments in a lot of different places. We have looked at additional sites within Pleasant Prairie. I think this is a good site. I think because some of it with the infrastructure is in, and it seems to mix in the fit pretty well. We also are sensitive that we don't want to have too many of -- too much of a homogeneous product, the same kind of product going up in one community at one time. So while we're always looking and evaluating other sites we have not looked at pulling this and scrapping this development and bringing it to some other location.

Jim Bandura:

You haven't?

S.R. Mills:

We have not looked at scrapping this because it's zoned right and it seems to be a pretty good fit.

Jim Bandura:

I still think that getting it even more close to the industrial park would somehow fit better.

S.R. Mills:

And I can appreciate that. Again, we're trying to work within the existing zoning. That doesn't entirely jibe with me from the standpoint of if what I'm hearing on one side is it's good for 8s, 4s and 2s, it's just not good if it's rental or if it's people that make less than a certain amount, that's not a planning issue, that's an issue of wanting to say I don't want somebody that makes less to live next to me. So it can either be a planning issue where we want Workforce, low income, we want to put all that out by the industrial park, we just don't want to put it next to a \$450,000 house, okay. But it can't be both.

Michael Serpe:

Any other comments or questions? Where are we at now?

Wayne Koessl:

What motion do we have on the floor, Chairman?

Michael Serpe:

I don't even know.

Mike Pollocoff:

The motion was, my last motion was to direct staff -- or to reject all options 1 through 3a and consider having Mr. Mills work with the staff on the original Creekside plan. I'll even amend that motion if it's okay with Brock to include option 3a or 3 if that's -- so when it comes back to the Commission we have the two options to choose between. It was to deny all four. So still we're denying it, but I guess he was looking for some guidance on what to do next, and from my sense of the room --

Wayne Koessl:

I think of all we've gone through on both sides listening to the Creekside Crossing and to the developer, that if we give him direction tonight where we want him to go, when he comes back I think we ought to look more favorable upon his plans if they follow the Village ordinances. That's my feeling.

Michael Serpe:

Brock, was there a second?

Brock Williamson:

I'll second.

Michael Serpe:

Motion made and seconded to -- repeat your motion, Mike.

Mike Pollocoff:

To reject all options and direct the developer to work with Village staff on developing a plan around the original Creekside development plan. And as another option evaluate option 3 or 3a against that original development.

Michael Serpe:

All right. Understand the motion?

Jim Bandura:

Understand.

Michael Serpe:

Motion by Mike Pollocoff and a second by Jim Bandura. All those in favor of the motion say aye.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

S.R. Mills:

Thank you.

## 7. ADJOURN.

Michael Serpe:

Motion to adjourn?

Brock Williamson:

I move to adjourn.

Wayne Koessl:

Second.

Michael Serpe:

Motion made and seconded for adjournment. All in favor say aye.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

**Meeting Adjourned: 9:03**