

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
PLEASANT PRAIRIE WATER UTILITY  
LAKE MICHIGAN SEWER UTILITY DISTRICT  
SEWER UTILITY DISTRICT "D"  
9915 39th Avenue  
Pleasant Prairie, WI  
May 7, 2007  
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, May 7, 2007. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

John Steinbrink:

Before we call the roll I do want to welcome our two new members to the Board, Clyde Allen and Monica Yuhas.

- 4. ELECT PRESIDENT PRO-TEM**

Mike Pollocoff:

We need a motion to elect the President Pro-Tem. The President Pro-Tem acts on behalf of the Village President when the Village President is unavailable and conducts the Board meetings in the absence of the Village President.

Steve Kumorkiewicz:

I make a motion that Mike Serpe be appointed as the President Pro-Tem as he is the senior member of the board. We've been doing that for the last several years. Consequently I think he's the right person to be the Pro-Tem President.

Clyde Allen:

I second.

John Steinbrink:

We have a motion and a second. Any other nominations? If none, I'll move the nominations be closed.

**KUMORKIEWICZ MOVED TO NOMINATE MIKE SERPE AS PRESIDENT PRO-TEM OF THE VILLAGE BOARD; SECONDED BY ALLEN; MOTION CARRIED.**

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**5. MINUTES OF MEETINGS - MARCH 5, 19, APRIL 2 AND APRIL 16, 2007**

**SERPE MOVED TO APPROVE THE VILLAGE BOARD MINUTES OF THE MEETINGS OF MARCH 5, MARCH 19, APRIL 2 AND APRIL 16, 2007 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**6. PUBLIC HEARING**

**A. CONSIDER A CLASS "A" FERMENTED MALT BEVERAGE LICENSE FOR 4503 75<sup>TH</sup> STREET.**

Jane Romanowski:

Mr. President and Board members, Chirag Ajmeri, Agent for Ayman LLC, Ayman Mobil, 4503 75<sup>th</sup> Street, has applied for a Class A Fermented Malt Beverage License for that property. A Class A license allows for the sale of fermented malt beverages which are beer and certain wine coolers that are not wine based to consumers in original packages or containers for off-premise consumption only from 8 a.m. to midnight. Currently the Village has seven of these licenses issues. This corporation also holds three other licenses in Racine. I listed the addresses, so they aren't new at this.

The Police Chief has approved the applicant as agent for the license. I recommend a Class A license be issued to Ayman LLC subject to the following conditions. Once again, he's purchasing a property. He hasn't closed on it yet, so the license probably wouldn't be issued if granted right away until these were satisfied. So the first one would be payment of license fees and publication costs. If there are any changes, and maybe Jean can expand on this, site and operational plan and conditional use permit approvals by the Plan Commission. If modifications are made building and zoning permits might be needed. And then once those are issued and the work is done occupancy permits will need to be issued from both the fire department and community development department. I'll need a copy of a deed or a lease securing the premises for licensing. And if there are any, payment of delinquent real estate taxes or utilities and invoices of any nature. At this point there aren't any. But once if granted before it's issued we'll check those. So those are the conditions. If and when the license is issued, it would go through June 30<sup>th</sup> of next year since our licenses run from July 1<sup>st</sup> to June 30<sup>th</sup>.

John Steinbrink:

Once again, this being a public hearing I will open it up to public comment or question. Do we have a sign up sheet for this?

Jane Romanowski:

We did but nobody signed up for this one.

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John Steinbrink:

Is there anybody wishing to speak on this item? We need your name and address for the record.

Nicholas Infusino:

Attorney Nicholas Infusino, 3614 16<sup>th</sup> Place. I'm here on behalf of the applicant, Ayman, LLC. And I'm basically here just to answer any questions or concerns you may have. My client has operated numerous gas stations within the Racine/Milwaukee area. He also operates two liquor stores, one in Racine and one in Milwaukee. They've had substantial experience in this industry and we ask that the license be granted.

John Steinbrink:

Thank you so much. Anyone else wishing to speak on this item? Anyone else? Jean?

Jean Werbie:

Mr. President, I would just like to make a comment to the petitioner and his attorney that if they intend to do any modifications to the facility, any expansions or perhaps add a convenience store or do anything to that extent we would need to have a meeting set up so that we can coordinate with you any special permits, approvals or conditional use permits that would be needed through the planning department and through the Village Plan Commission. Thank you.

John Steinbrink:

Anyone else wishing to speak? Hearing none I'll close the public hearing and open it up to Board comment or question.

Mike Serpe:

Mr. Chairman, I'd move approval subject to the satisfaction of the conditions that the Clerk has mentioned in the memo.

Monica Yuhas:

Second.

**SERPE MOVED TO GRANT A CLASS "A" FERMENTED MALT BEVERAGE LICENSE TO CHIRAG AJMERI, AGENT OF AYMAN LLC FOR THE PROPERTY LOCATED AT 4503 75<sup>TH</sup> STREET SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

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- B. Consider Resolution # 07-24 to change of the official street name of 103rd Court within the Sagewood Condominium Development to Sagewood Circle, to change the official addresses for: building 1 from 4655 103rd Court to 4655 Sagewood Circle, building 9 from 4666 103rd Court to 4666 Sagewood Circle and the temporary sales trailer from 4625 103rd Court to 4625 Sagewood Circle.**

Jean Werbie:

Mr. President, on October 3, 2005, the Village approved a final condominium plat for the Sagewood Development where in 103<sup>rd</sup> Court was assigned as the official street name for the private roadway. Since that time, there have been two buildings and one temporary building that has been located to that particular property. The Village's Fire and Rescue Department while performing some inspections within the development developed some concerns regarding the particular street name for the Sagewood Circle area, and they requested and recommended that the private street be renamed to Sagewood Circle and to change the official addresses of building 1, building 9 as well as the sales trailer. Again, it was identified as 103<sup>rd</sup> Court and they would like to see the name changed to Sagewood Circle.

On April 2, 2007, the Village Board adopted Resolution 07-17 to initiate the change and to actually hold this public hearing this evening to discuss the proposed change. The Plan Commission at their April 23, 2007 meeting recommended approval of the requested changes so that the official building addresses would be referred to as Sagewood Circle instead of 103<sup>rd</sup> Court. With that I'd like to continue the public hearing.

John Steinbrink:

Once again, this being a public hearing I will open it up to comment or question. Do we have a sign up sheet for this item?

Jane Romanowski:

No we didn't actually.

John Steinbrink:

Okay. Anyone wishing to speak on this item? Anyone wishing to speak on this item? Hearing none, I'll close the public hearing and open it up to Board comment or question.

Steve Kumorkiewicz:

I know that we have to do this, but I don't like to deviate from the grid system that we have in Kenosha County in naming the streets. Kenosha County is set up with a system of avenues running north to south and streets from east to west and is one of the easiest cities to go and locate a home. I travel a lot. I go places small and large, and when they don't have the system I have a problem trying to find and locate where I am. I don't like this kind of Sagewood Circle. It's a horseshoe actually. But at the same time I can see the problem that it could represent for the

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emergency people, fire department, ambulance or whatever if we have new people over there. I know that our crews goes around checking new addresses, but I'm kind of reluctant on this, that we change and deviate from that. We open a can of worms where we might have more in the future where the streets and the avenues are going to disappear . . . a name Sagewood or whatever. I'm aware we have 1<sup>st</sup> Court in Carol Beach. I can see that. Naming the streets makes me kind of uncomfortable with that.

John Steinbrink:

Jean, maybe you or Chief Guilbert could clarify. This is always an issue where we have a lot of concern and there is a reason for doing this. So, Chief, you're the guy who has to make sure you get to the place where you need to be.

Chief Guilbert:

Yes, sir. Myself, the Police Chief, the Chief Building Inspector and the Community Development Director we met last Thursday morning to review future subdivisions. And whereas I of all people agree with the grid system and how easy it is to find where we're going, we really don't have true gridded roads within the Village. As you can see, this is a horseshoe. We have roads that just don't go true east and west or north and south and they begin to turn or curve or terminate in a cul-de-sac and they become very difficult to name. Yes, this is Sagewood Circle but it's not uncommon in some of the other projects throughout the Village, in particular Prairie Village Condominiums, Meadowland Circle, Eastridge and Westridge Drives within the VK single family subdivision in the northwest corner of the Village.

I agree with you it's good to maintain the grid system but it's difficult as the contours of the road change. I was in Milwaukee Saturday afternoon. I was in the Grandville section. I became conscious of a road that was going north and south and had one name and did a lazy 90 degree turn to the east and change names in the middle of the block. We've discussed that on many occasions where whether it be police, fire and rescue or a civilian trying to find an address, you travel through a subdivision that makes a turn and if you're not conscious of that sign pole and that the road has changed names again it's going to be difficult for you to locate where you're trying to go. So I agree with you, sir, but on the other hand it is sometimes difficult to apply that rigid addressing of a grid system.

Steve Kumorkiewicz:

You feel comfortable with that? You feel okay with that?

Chief Guilbert:

Actually it brings our personnel into the general area of that subdivision. They know where Sagewood is and then using the numbered addressed they'd be able to locate it, yes.

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Steve Kumorkiewicz:

Thank you.

John Steinbrink:

I think the same as in mobile home parks where you have different names for streets. Your department, your personnel are all trained and pretty much kept up to date on those street names and numbers. So when something like this comes up it's not a new item or a shock to them. They know they're going to be looking at that.

Chief Guilbert:

Right, we have to continually familiarize them. Because as long as we're going to have those roads that have subtle changes or turns the issue is going to continue.

John Steinbrink:

Other questions for the Chief? Thank you, Chief. Other Board comments or questions? If not, I'll entertain a motion.

**KUMORKIEWICZ MOVED TO ADOPT RESOLUTION # 07-24 TO CHANGE OF THE OFFICIAL STREET NAME OF 103RD COURT WITHIN THE SAGEWOOD CONDOMINIUM DEVELOPMENT TO SAGEWOOD CIRCLE, TO CHANGE THE OFFICIAL ADDRESSES FOR: BUILDING 1 FROM 4655 103RD COURT TO 4655 SAGEWOOD CIRCLE, BUILDING 9 FROM 4666 103RD COURT TO 4666 SAGEWOOD CIRCLE AND THE TEMPORARY SALES TRAILER FROM 4625 103RD COURT TO 4625 SAGEWOOD CIRCLE; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

## **7. CITIZEN COMMENTS**

Jane Romanowski:

Due to the number of sign ups tonight there is a three limit time limit so please try to adhere to that. The first speaker is Michael Kim.

Michael Kim:

Good evening. My name is Michael Kim. I live at 12030 28<sup>th</sup> Avenue. I would like to start out by saying that I'm not against the development of this Orchard Subdivision, but I am opposed to the proposed lot sizes and number of houses to be built and the rezoning of the area. What I'd like to see is the development have lot sizes similar to the existing properties surrounding the proposed developed. Just to point out the combined acreage of six of the properties around this proposed development is 16 acres.

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At the Plan Commission meeting, Mr. Pollocoff brought up the concern of a lawsuit in accordance to the taking law. I believe the taking law is a non issue in this point. Quite frankly, with the combined years of experience that the Commission has I was surprised that there is a concern for a lawsuit. I have with me a copy of an executive summary of a book written by two individuals, Mr. Durkson and Mr. Redling, two people held in high regard for the subject of taking laws by Chief Justice Shepard of the Indiana Supreme Court. I'm going to go over three of the nine principles just in the interest of time.

The first principle is no absolute right of use. No one has the absolute right to use his property in the manner that may harm the public health or welfare or damage the interest of the neighboring landowners and that's my point.

John Steinbrink:

Could you repeat that please?

Michael Kim:

There is no absolute right to the use of a property. No one has the absolute right to use his property in a manner that may harm the public health or welfare or damage the interests of the neighboring landowners.

Principle two, reasonable return of use. Property owners have the right to a reasonable return or use of their land, but the U.S. Constitution does not guarantee that the most profitable use will be allowed. Example, courts continue to insist on a high threshold for a takings claim. All or virtually all reasonable use or return must be denied the property owner before a court will find a taking. So in this instance a significant reduction in value does not necessarily give rise to a taking. So a reduction in lot numbers isn't grounds for a suit.

Principle three, furthering the public interest. Courts are continuing to sustain a wide variety of purposes as valid reasons for enacting environmental and land use regulations. Things such as natural resources protection, agricultural land preservation, historic preservation, scenic view, protection of environmentally sensitive areas such as wetlands and floodplains are valid purposes for land use regulations. So with those three principles in mind I believe the takings law lawsuit would be a non issue in this case. That's all I have to say. Thank you.

Ron Godbold:

My name is Ron Godbold. I live a 12011 28<sup>th</sup> Avenue right across the street from this planned subdivision. I've been against this ever since the beginning. I feel that this is not proportional to the surrounding areas, and it is my understanding that the people, the steps that we took to fight this to get this this far, and now the people within that neighborhood is depending up on this Village Board to act in a manner that is respectable and concerned for the surrounding citizens that has been here ever since this has come to us. Now I don't have anything against anybody making money. I don't have anything against any development within limitations. And you people have the right to limit these people.

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If I'm not mistaken at the last election Mr. Steinbrink you mentioned about saying something about watching the development and keeping more a control on it. It was stated in the paper. You're talking an area that is in a neighborhood that eventually—it has been family owned a lot with a few people that's moved in such as myself, and I've accommodated myself quite a bit with it because it's a nice area. But with 19 homes being proposed to put on 15 acres, and let me correct this. Everybody looks at this as 15 point acres. You take 22 to 25 percent for your cul-de-sacs, your road, your easements and your retention ponds and you're coming up with about 11 acres, and you're going to stick 19 homes there of 2,500 or more square foot. Everybody states the frontage. If you want to depend upon the recommendations of the people and everything then you better start considering the depths, too, because that counts. That's our lot sizes and that's the sizes that you are supposed to be proportional to and this is not proportional. Thank you.

Jacqueline Kim:

Hello everybody. How are you doing? Jean Werbie I want to say I'm sorry about your father and I wish you the best. I'm Jackie Kim. I live at 12030 28<sup>th</sup> Avenue. I own the property along with my husband directly south of the proposed subdivision. I, too, am not opposed to the subdivision. However, we have a lifestyle in our area. We care about each other. We care about the development. I, too, have a civil engineering background. I know how traffic goes, and I'll tell you I worry about the kids. And safety is my number one issue here. I go down the street and I drive a little Subaru. Try to get down that street with a garbage truck or a normal truck. A lot of people in our area are blue collar people. They do drive trucks and drive trailers that they barely can get down. I'm worried about that.

The other serious thing I see with this as Ron had talked about is my house and my property is going to have the most severe impact. I'm interested in bee keeping. I'm going to have the only last surviving orchard in the area. I care about my bee population as well. The homes that come up the north side of my property are all going to be backed up my whole driveway and all across the back of my lot so I'm going to have six or seven homes backed up all around me. I'm going to look out my home and have a retention pond and everybody's bathroom and bedrooms in my front window. It's something that I'm concerned about because we are a community, and one of the things I'd have to say about Pleasant Prairie is we do have a great area. I can understand where they want to live there.

But if we could reduce it down to a few more houses because the size of the homes that are purported to be built now are 2,800 square feet or larger. Originally when the Village had made a proposal my husband and I seen it years ago, and we came to the neighborhood over 11 years ago, those homes that were in there, a 27 count at that time, were not going to be 2,800 to 3,000 square foot. They were a smaller compact home. So we need to be realistic. The other thing is where does everybody go? They have kids in the neighborhood. Where are they going to play? So maybe we could have something smaller in there, some larger acreage lots like maybe over on 26<sup>th</sup> Avenue and maybe have a park size area or something for the people in that area. I think it would be a wonderful addition to Pleasant Prairie. We could still collect taxes and we could all along. So that's what I have to say. Thank you.

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Cindy Godbold:

Cindy Godbold, 12011 28<sup>th</sup> Avenue right across the street from this subdivision. The first thing I want to ask is, Mr. Serpe, if you voted on the Plan Commission already why could you vote again on this Commission? I don't understand it.

John Steinbrink:

State your questions and we'll respond later.

Cindy Godbold:

How did this proposed subdivision pass anyway? As I understand it, it doesn't meet the criteria now. It needs two variances to begin with. The lots are too small so you need two variances anyway so I don't understand how it passes. The other thing I'm asking is Outlot 1 and 2 are proposed for rezoning for PR, Park and Recreation. Aren't those detention ponds? According to the rules that's what they are.

This subdivision will not be balanced. As stated in the Plan Commission is to accomplish a well coordinate balanced and harmonious development of the community while promoting the quality of life. This subdivision does not follow that rule and it's definitely not balanced. They're going to tear up the street. We don't have sewer drainage in our neighborhood so that's going to be a problem. We don't have sidewalks. Kids are going to be walking to school and that's going to be a problem.

John Steinbrink:

I'm sorry, could you restate the one that says you don't have sewers?

Cindy Godbold:

Storm sewers. We don't have those. We don't have sidewalks. Kids will be walking down the streets while cars are going up and down the road besides the worker trucks. There are so many foreclosures going on in this neighborhood right now I can't see these houses being built. It's just unreal. With all the subdivisions going on where is the low income housing going to be? I'm sure it's going to have to go somewhere. And by the time all these subdivisions are done raping the Village because that's how I see it, this is going to be known as the land of "of" because there's not going to be any more Village. There's not going to be any more prairie and it sure isn't going to be pleasant to live here. Thank you.

Rick Renzulli:

Good evening everyone. Rick Renzulli, 12126 28<sup>th</sup> Avenue. I needed to address the Board tonight to speak against the request of the dead orchard society to rezone this property for a couple of reasons. Everybody is talking tonight about the traffic and these lot sizes. We're evading the bigger problem of Prairie Trailer Court East that's coming up. My main concern is

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the traffic on this 18 foot road that cannot be widened. There's no shoulder. My kids are grown and gone but these kids use this road to go up and down the street. This Board if you vote on this you are going to be adding 150 to 200 cars on this road by the time both of these subdivisions are done if they're approved the way they are. They can't go to the west because nobody can go over the bike trail. They can't go to the east because that development is years away. You've only got one exit to the south to State Line Road, so that leaves 26<sup>th</sup> and 28<sup>th</sup> Avenues. I know some of you guys have been down that road to see this road. It boggles my mind that we're even considering putting these many homes and this amount of traffic on these two narrow, rural roads.

It was explained to me by the Plan Commission that we cannot deny people the right to develop their property. Again, in this situation we're not talking about a couple of farmers that have been working their property for 45 or 30 years or 20 years. I don't know if they've even paid any taxes. I haven't seen them cut a blade of grass or till a weed or pick up trash. They just want to change everything. They want to change the zoning and our way of life. I think it's incredible. I know I'm on a time limit here.

I'm also concerned about that retention pond on 28<sup>th</sup> Avenue. I didn't set up a transit to see it exact, but that retention pond is on the crest of that road. That water is going to go both ways. If we get any more water down the south without taking care of the water going further east, because there's only a one foot diameter pipe on 26<sup>th</sup> Avenue, all this water ponds at the end of 28<sup>th</sup> Avenue, then it goes down to 26<sup>th</sup>. On 26<sup>th</sup> there's a one foot diameter pipe that takes this water away. When we get that 100 year rain like we had in 2000 it goes over the road and it's go nowhere to go. That's what I'm concerned about is all that water backing up into my house. I'm not worried about the water traversing across my property. I don't care about that. I'm worried about my pumps, and I've got three of them in my basement pumping constantly at different times of the year. Once that culvert fills it all backs up into my basement. Back in 2000 it costs me \$30,000. I turn the other cheek. People were telling me sue the Board, sue the people that put the sewer in. I didn't do any of it. I don't want a repeat of that because I'm not too sure what I'll do with that.

Anyways, I'm going to wrap this up by saying this. If this happens to be a approved, this development here, then I'd like some restraints put on this as far as dealing with construction and construction traffic. I understand it's all going to come from the south which is right by my house. I'd like to see hours set that they can't start before 6:30, and I even mean ready mix trucks backing up on the road to pour their foundations. Nothing starts before 6:30 and I'd like to see it done by 5 in the afternoon. I don't want to see any work done on the weekends because this is an established neighborhood.

Jane Romanowski:

Mr. Renzulli, if you could wrap it up please.

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Rick Renzulli:

Last thing, if this all goes on I'd like to see that road cleaned daily, the dust, the mud, whatever is left in that road. It's up to these developers to keep our way of life the way we are used to having it. Thanks, guys.

Glen Erickson:

Glen Erickson, 11710 28<sup>th</sup> Avenue. Overall my most concern is flooding, but my first question is, is it clear the residents on south 27<sup>th</sup> Avenue will be stuck with this water going across their property? They're not going to be stuck with that?

John Steinbrink:

If you just state your comments somebody will respond to your questions after citizens' comments.

Glen Erickson:

I'll get back to you guys. I have a few questions for the developers. This is just for curiosity. If these 19 homes become reality will all 19 homes hook up to this water or will a selected few hook onto the well? The reason I ask, if you're going to cause a financial burden on 28<sup>th</sup> Avenue I think you're pouring gas on the fire if you're not hooking up to the water yourselves. It would be a dirty shame.

Do you plan on stripping all the topsoil off leaving just the clay to absorb the rain water while this project is being completed? Answer?

John Steinbrink:

Sir, address your comments to the Board, and even if there are questions to the developer they will be responded to after this.

Glen Erickson:

Okay, I'll just ask the questions. I have a question here. Does the high water level in a retention pond have to be below the basement floor level of these new homes? If the new homes were built without a basement does this change the structure of the retention pond? Do the walls on the outside banks of a retention wall have to be of equal height? Right now I have a milk jug painted blaze orange. Sometime this summer in a heavy rain I plan to take it to Prairie West and place it in a retention pond and step back and follow it with my camcorder to see where it ends up. When I do this with your new retention ponds what is your guess where the milk jug will go? The Village is not responsible for flooding. If you are asked to sign a statement that you'd be responsible for any flooding from water coming out of these new retention ponds would you sign it? If the Village Board says sign it or you can't build, because they're not responsible, would you sign it? I guess that's about it.

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To the Village, 19 more homes. A lot of expense. 19 more pickups for the garbage man. We need a garbage truck? If Bill Gates would walk in and buy a new garbage truck we'd still have to hire a body to run it. In a short period of time his wages and benefits would outweigh the price of this truck by a long shot. With the building that's going on we need to freeze all buildings until the impact fee is back in effect, until we have a storm sewer and a water treatment plant. Now, if these people are paying for this on 28<sup>th</sup> Avenue it's a burden on all of you, especially the ones on a fixed income. When I say fixed income the first response I'm going to get we don't control house incomes. You don't. But please consider this. When these people are willing to work for us there were no IRAs, there were no Roths, there were no zero coupons, there was no real investment trust. They did the right thing. They put their money in a CD and inflation ate it up. When they retired gas was 75 to 80 cents a gallon. Now it's \$3.25 so they can't afford to leave their house. Now they want to run water across our property so they can't afford to stay in the house. Go to bat for these homesteaders of Pleasant Prairie and you'll sleep good tonight.

Melissa Bitter:

Hi, I'm Melissa Bitter, 11909 28<sup>th</sup> Avenue. My neighbors have all brought up the main issues. I'm not going to reiterate them. But I do want to say one thing that this plan it really doesn't fit with our neighborhood. I have one of the smallest lots on 28<sup>th</sup> Avenue. It's just over an acre, like two blades of grass over an acre and our house is about 1,900 square feet. These new homes are going to be 1,000 square feet or more larger on smaller lots. I know there's got to be a happy medium to the situation. Obviously we made the front page of the paper with this issue, and the Village, and correct me if I'm wrong, has the power. We can't stop progress, we can't stop the building, but you guys could have some kind of control over how large these lots are and the zoning and how fast they go up. You can't drive down the street without tripping over a new subdivision. The newer subdivisions like Devonshire, 260 lots, we were going to build there on I think is less than a quarter of an acre. That's like Kenosha.

Our neighborhood is really unique and I'm really glad for the Trustees that came out yesterday and looked at our neighborhood. Like I said our lot is one of the smallest lots in the neighborhood, but we have people who have 3 acres, 5 acres, 8 acres. I think someone might have more than that and these are all surrounding this new subdivision. So if we had larger lots, less homes, maybe we could get rid of the retention pond, one of them. If there were like 10 one-acre lots or 12 one-acre lots would it be possible to have one retention pond? That would kind of balance it. Maybe people in our neighborhood would be a little bit happier and we could maybe close this issue. That's pretty much all I wanted to say.

Michael Willkomm:

Good evening. Mike Willkomm, 11904 28<sup>th</sup> Avenue. I'm against this proposal. This proposal calls for two new retention ponds. We have three young children of our own and our neighborhood is full of children. The closest park is over two miles away. We have a narrow road in 28<sup>th</sup> Avenue with no sidewalks. There are two natural magnets for human beings, fire and water. With nowhere else to play it's naive of us to think that kids won't be drawn to these retention ponds. The day this proposal came to the Planning Commission MSNBC ran this story.

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In summary it reads two brothers, ages 8 and 12, died Sunday after the younger boy fell through a sheet of ice covering the pond and his brother tried to rescue him. Geris Robinson, 8, and Aaron Robinson, 12, were pronounced dead after they fell through a sheet of ice covering a shallow pond at the housing development where they lived. This preventable story runs in local newspapers an average of nine times a day.

This is from the National Center of Injury Prevention and Control. The leading cause of death for children under age of 14 is motor vehicle accidents. The second leading cause of death is accidental drownings. Tragically, this headline does not just happen in other communities. In October of '04 an individual accidentally drowned in a retention pond here in Pleasant Prairie. Ironically it happened in Prairie Trails West just a few yards west from this proposed subdivision. It is debatable how much risk these two new retention ponds would bring. What is not debatable is the fact that it would increase the risk. Prairie Trails West has approximately 100 homes and has one retention pond. This proposal with 19 homes has two retention ponds. Is the number of homes worth twice this risk? Accidents happen nine times every day.

Yes, 28<sup>th</sup> Avenue has all different lot sizes. Some lots right on 28<sup>th</sup> Avenue tend to be smaller, and the ones further off are larger. Years ago the planning for the Village was not what it is today. This proposal makes that situation worse. We currently have 36 homes on 28<sup>th</sup> Avenue. 19 increases this over 50 percent. I understand and I respect your role as civic leaders. Your role requires each of you to provide logical planning for our future. As the Village develops outward and you plan the future of large tracks of land you are making decisions for future neighborhoods largely on your own. But when you are planning for the evolution of an existing neighborhood, the residents of that neighborhood should be allowed to offer some input as to what happens in our own front yards.

My neighborhood has been established for a long time. Personally I know eight people who have been there for more than 30 years. You represent all of us. We ask you to do what it is in the best interest of the entire Village. That decision should not be based strictly on your opinion. It needs to at least take into account the thoughts and opinions of the people you represent. The developer claims that they already reduced the number of lots from 27 to 19. This is not true. The 27 number comes from a neighborhood sketch plan from 2001. That was done before any engineering was done on the land and doesn't include any retention ponds. It also includes a driveway, my driveway, as using as part of the access into the loop back to 28<sup>th</sup> Avenue. Without my driveway and without the retention ponds 27 lots just don't fit on this piece of property. They didn't make a concession to us. This is what they could fit on the piece of property. Thank you.

Carol Alter:

Carol Alter, 11920 28<sup>th</sup> Avenue. I would like to share my concern regarding the rezoning requested by JM Squared for their proposed Orchard Subdivision. While I've already personally spoken with several of you in the past few days, tonight I will review my concerns for the record. As you know, 28<sup>th</sup> Avenue will already be open to Prairie Trails East Subdivision thereby increasing the traffic on 28<sup>th</sup>. We have yet to realize the full impact this added traffic will have on our street. While I realize there are statistic supporting the amount of traffic expected which Jean

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Werbie can provide, statistics are just an interpretation of numerical facts and data that can be affected by variables. In other words they are not precise.

We are now looking at the probability of the added traffic of Orchard Subdivision as well. The combined increase of traffic volume on 28<sup>th</sup> Avenue is the trigger for my concern for the safety of not only the children in our neighborhood but also that of its entire populous. Having lived in a neighborhood with a street much like this one where speeding motorists crested a hill on our street and struck a young boy on his bicycle, the driver didn't stop. My husband, a Lake County Sheriff's Deputy and I were the second at the scene. A lady stood over the boy in complete situation. Bill took control of the situation until off duty officers and medical help came. I saw this young boy lie on the pavement, his scalp peeled back and his broken skull. I will never forget the helpless feeling and I will never forget the pain the parents and family of this child went through. That is why I'm here tonight. I never want any of my neighbors to experience this horror.

I cannot comprehend anyone so uncaring they would not place the issue of safety the first determinant in developing within an established neighborhood. We addressed this issue not long ago when we were in this same room asking for a crossing on the bike trail in an effort to lower the traffic here created by the proposed Prairie Trails East. We spoke of our narrow street with no shoulders and deep ditches posing a concern at that time for the safety of our children. Members of this Board agreed with our concern and voted to allow the crossing. We all know what happened when the County informed Pleasant Prairie it was not possible. However, this didn't negate the feeling that if the County would have had the opportunity to vote on this proposal there's a strong possibility this request would have come to fruition.

Nothing has changed since then. We are still dealing with the same narrow street. We still have children walking on the same narrow street and the same dangers are present. But now the risks could potentially be greater with the possibility of the proposed Orchard Development and the increase in traffic it certainly will bring to 28<sup>th</sup> Avenue. Let me make it clear I do not oppose progress in Pleasant Prairie but I do oppose any plan for the development that would put people at risk of serious injuries or worse in order to realize this progress.

I would ask this Board to deny rezoning on this property until such time that JM Squared and the Village can work out a subdivision plan that will protect the safety of everyone in this neighborhood including future residents of this new subdivision who will be utilizing 28<sup>th</sup> Avenue. While there are few options available to achieve this goal, that doesn't negate your responsibility in creating a safe environment for the entire neighborhood.

28<sup>th</sup> Avenue, formerly Orchard Avenue, was originally created to be no more than a country lane to access a few homes. I know this because my family moved here in 1949 when I was five years old and Orchard Avenue was then as it is now. It was not designed for the volume of traffic proposed by two additional subdivisions. How long do you think this street will hold up to this volume of residential traffic before it crumbles? Is this Village prepared to shoulder the expense of replacing the street with one that will be adequate to the proposed traffic? Or, a few years down the line will the residents of 28<sup>th</sup> be attending the Village meeting begging for repairs?

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Don't compound an already bad situation and then hand it down to a future Village Board to rectify. This is what is happening now because our forefathers couldn't imagine future growth of this Village. Please go back to the planning table with these developers. Make the necessary adjustments even if it means future homes on larger lots thus allowing the residents of 28<sup>th</sup> Avenue and the future residents of Orchard Subdivision a safe community. That you.

Liz Tryban:

Liz Tryban, 7801 88<sup>th</sup> Avenue, Lot 74. I represent the Westwood Estates Manufactured Homeowners Association, and we wish to thank the Board in advance for their consideration of the Village ordinances regarding mobile home parks. A special thank you to Mike Pollocoff and John Steinbrink, our Village President, for listening to us and going forward. The ordinances are of great value to all homeowners in all mobile home parks in the Village of Pleasant Prairie. Thank you.

Jane Romanowski:

There are no more sign ups, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? Yes, sir.

John Roscioli:

John Roscioli, 11454 14<sup>th</sup> Avenue in the Tobin Creek Subdivision. I guess I would represent the JM Squared Partnership. All four partners are current residents of Pleasant Prairie. Three of the four, not me, have been here ten years. I've been here for almost three and we, too, all love Pleasant Prairie which is why we've bought and are attempting to develop this property.

The Village plan became for Sheridan Neighborhood Woods I believe in I believe it was 1986 and it was updated in 2001. All the residents that are on that street if they weren't there in 2001 had this information available to them that this property was to be used for third acre lots. We have gone from R-4 zoning which would be third acre lots to R-3 zoning which is half acre lots or above. There are currently nine residences on 28<sup>th</sup> Avenue that are an acre or smaller which is consistent with our plan. Prairie Trails West, which is adjacent to our property, are all third acre properties, and Prairie Trails East, which is directly south of us, is exactly the same third acre property sizes.

Carol Alter and Borst have both got half acre from the Zelli's in I believe it was 1997 and none of the neighbors had any problems with those two parcels being divided into a half acre piece. I'm just curious as to why they don't like the half acre size now.

As far as retention pond goes, the fatality that happened in Prairie Trails West nobody has informed the Board that alcohol was involved in the crash. The man was inebriated, drove into the pond and we can't stop that from happening ever unfortunately. From the CDC in Atlanta,

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Georgia, the majority of drownings for children under four years old happen in four places, bathtubs, buckets of water, toilets and home swimming pools. Nothing to do with ponds. I've made several calls to Atlanta, Georgia on this specific information to try and let them know what we were trying to do as far as neighbors and be good neighbors as far as the safety issue is concerned. We offered to put a berm in. We offered to take a berm out.

We've already said that we'd limit the construction traffic as far as that safety issue goes and Mr. Renzulli is alive and good and I don't want to wake him up in the morning or not go to sleep at night or eat his dinner in peace. Anyway, we're doing what we can to try and be good neighbors. We have made concessions. It was 27 third acre lots which is why the difference is. We had that drawing for the people at the very first informational meeting which was prior to even attempting to come to the Board. Before we even bought the property we made sure that the neighborhood plan allowed for this and we've done our homework on this. I just hope the Board continues with its tradition of following the plans. Thank you very much.

Erica Willkomm:

Erica Willkomm, 11904 28<sup>th</sup> Avenue. I'm sorry to disappoint you, however the plan that I got from my parents, I grew up on this property, bought the property from my parents, moved back and got the plan from 2001. You are using our driveway as an inlet to have those 27 lots. I must say to you that without my driveway I don't think that's possible. One other point that I wanted to bring out is with two retention ponds already we have a lot of mosquitoes and that just ramps that up. I am sure that that is another issue that is not desirable to the other residents as it is not for me.

John Steinbrink:

Anyone else wishing to speak?

Sylvia Hinz:

Sylvia Hinz, 4819 104<sup>th</sup> Street. I just want to make a comment about the retention ponds. We have the subdivision behind us, Springbrook Meadows. And any nice day there are so many kids that play around this detention pond. I thought it was made clear when the subdivision went in that signs would be posted that children were not supposed to play. That the homeowners association would make it clear that it wasn't a playground and that definitely is not the case. Not that I'm asking you to do anything about Springbrook Meadows, just making a point for these people. With two detention ponds or retention ponds in a neighborhood like this it definitely causes a problem. Thanks.

John Steinbrink:

Anyone else wishing to speak? Hearing none I'll close citizens' comments.

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**8. VILLAGE BOARD COMMENTS**

John Steinbrink:

Jean or Mike do you want to address any of those issues first? Or, do you want to wait until the item comes up?

Mike Pollocoff:

We'll wait for the item would be my recommendation.

John Steinbrink:

Then at this time are there any other Village Board comments?

**9. ADMINISTRATOR'S REPORT – none.**

**10. NEW BUSINESS**

John Steinbrink:

It's been requested that we bring up Items A, B and C together, is that correct, Jean?

Jean Werbie:

Yes.

- A. Receive Plan Commission Recommendation and Consider Resolution #07-25 to support an amendment to a portion of the Sheridan Woods Neighborhood Plan for the approximate 15.3 acre property generally located on the west side of 28th Avenue, south of 116th Street, at the approximate 11900 Block, to accommodate the proposed 19 lot single-family subdivision to be known as The Orchard Subdivision.**
- B. Receive Plan Commission Recommendation and Consider of a Conceptual Plan for the request of JM Squared LLC, owner, for the approximate 15.3 acre property generally located on the west side of 28th Avenue, south of 116th Street, at the approximate 11900 Block, for the proposed 19 lot single family subdivision to be known as The Orchard Subdivision.**
- C. Receive Plan Commission Recommendation and Consider Ord. #07-16 related to a Zoning Map Amendment for the request of JM Squared LLC, property owner of the approximate 15.3 acre property generally located on the west side of 28th Avenue, south of 116th Street, at the approximate 11900 Block, to rezone the property for the proposed The Orchard Subdivision as follows: the field delineated wetlands into the C-1, Lowland Resource Conservancy District, the proposed single**

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**family lots into the R-3, Urban Single Family Residential District and the non-wetlands of the proposed Outlots into the PR-1, Park and Recreational District.**

John Steinbrink:

These items will be discussed together but separate action will be taken on each of them.

Jean Werbie:

Mr. President, what I'd like to do first is provide some background on The Orchard Subdivision and kind of go through some of the slides that were presented at the last Plan Commission meeting. There were a number of questions that were raised tonight. And after the presentation that was made for the Plan Commission, I think that Mr. Pollocoff and I will go through and address a number of those questions and concerns, and maybe we're even going to raise some new issues this evening that we need to discussion.

The Orchard Subdivision as being proposed is a 19 lot subdivision. There are 18 new lots and one existing lot that are located on 28<sup>th</sup> Avenue. It's intended that the owner's original home is going to be razed and then a new home would be built at that particular location. The subdivision is located on the west side of 28<sup>th</sup> Avenue, east of the Kenosha County Bike Trail, south of 116<sup>th</sup> Street at about the 11900 block.

On November 13, 2006, the Plan Commission had tabled the first step of this process and that was the Sheridan Woods Neighborhood Plan, because they wanted the staff and the developers and the questions that were raised at the meetings to be evaluated and discussed before a conceptual plan and rezoning could be brought forth back to the Village for consideration. The number of considerations or concerns that were raised by the neighbors included construction traffic on 28<sup>th</sup> Avenue, the density of the development, conformance with the Village's Comprehensive Plan and Neighborhood Plan, location of storm water drainage, payment of impact fees, extension of municipal water services and placement of street lighting and signage. The developer through their comments back to the Village and as presented at the Plan Commission had responses to each of these and I'll be discussing those in a few minutes.

The background on this particular development goes through a number of steps. Recently, February 12, 2007, the Plan Commission approved a resolution related to an amendment to a portion of the Sheridan Wood Neighborhood Plan pertaining to The Orchard Subdivision conceptual plan layout, again, as it related to the neighborhood plan. On February 12, 2007 the Plan Commission tabled the conceptual plan due to continuing concerns of the neighbors as well as the need to get some additional information.

On April 9, 2007, the Plan Commission held public hearings for the proposed conceptual plan and the zoning map amendment, and subsequently voted to continue the public hearing concerning The Orchard. The Plan Commission voted to continue the public hearing that night primarily due to the fact that we had received some calls stating that that was spring break week and a number of the neighbors were on vacation, and in order to afford the neighbors the opportunity to come in and make comments at either the last Plan Commission meeting or tonight

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we wanted to give them an extra couple of weeks to be able to do that, whether to file petitions or to gather additional information or to get some additional questions answered. So for that reason those hearings were then tabled or continued until April 23<sup>rd</sup> which was the last Plan Commission meeting.

On April 23, 2007, the Plan Commission continued the hearings for the proposed conceptual plan and zoning map amendment. They voted 6 to 1, Commissioner Braig was the dissenting vote, to recommend that the Village Board approve the conceptual plan and zoning map amendment as presented. I unfortunately was not at that meeting that night so I'm not sure of all if all of the same comments that we've heard tonight were addressed on the 23<sup>rd</sup>, but at least you've heard those comments this evening and can respond accordingly.

A portion of the current Sheridan Woods Neighborhood Plan was approved by the Plan Commission, and this is the plan that some of them referenced on August 13, 2001. The Orchard Subdivision site is identified by the dark black outline. As you can see there were two concepts, one where there was going to be a looping road coming off of 28<sup>th</sup> Avenue on the north end and the south end looping through this development. This would have gone through an adjacent property owner's property if, in fact, this particular plan went forward as proposed.

In accordance with the comprehensive plan the net density for the neighborhood plan should be within the lower medium density residential category. At that time and as is today the average net density of the neighborhood should be between 12,000 and just under 19,000 square feet per dwelling unit. What that means is that some of the lots will be larger in certain areas and smaller in other areas. It doesn't dictate that the entire neighborhood has to be a certain lot size. And as you can see when you look at this particular neighborhood it does vary. There are smaller lots and there are larger lots. And as long as the overall density falls within the land use category then it's intended to be acceptable for the comprehensive plan.

The problem with this particular development with respect to this particular neighborhood layout in 2001 is that the property owners on either side of this development did not have and currently do not have any interest in subdividing their property. So this layout as it was proposed needed to be modified because it was not going to be able to support The Orchard Subdivision because of the neighbors' unwillingness to develop at this time or possibly never.

On February 12, 2007, the neighborhood plan amendment recommended a number of changes. There was a minor shift to the north of the cul-de-sac Orchard Drive extending east from 28<sup>th</sup> Avenue. Two, there's a longer cul-de-sac that bends southward to provide access to the western and southern portions of the property. Three, a horseshoe shaped road that loops and connects at two points on the west side of 28<sup>th</sup> Avenue, again, this being eliminated because there are adjacent property owners that did not have any interest in developing their properties. Number four, a minor reconfiguration of the single family lots as a result of the alteration of the layout. And, five, an actual slight decrease in the number of single family lots within this amended portion of the neighborhood plan. Again, the original plan showed approximately 26 lots.

It is correct it did not show any specific storm water detention or retention basins. But, again, when you're looking at the larger picture of a neighborhood plan we don't look property by

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property so that every single property has a retention basin. We kind of look at generalized areas. It's not until you start to get down to the conceptual plan level where property owners are interested in developing their property to determine whether or not a retention basin needs to be located on that particular property. With the new laws that have been passed by the Wisconsin DNR, Chapter 151, those regulations require retention basins, standing water basins for water quality purposes. It's not something that the Village has a choice in. So not only do every subdivision have to have a basin it needs to be a water retention basin. So there are some things that are outside of our control. We can control things like the depth of the basin and the safety shelf and the setbacks and fencing and berming and landscaping. We can control a lot of things but they do have to follow the State guidelines for storm water which the Village has adopted per the State statutes.

The Orchard Subdivision factually is approximately 15.3 acres. Again, 19 total lots were being proposed with the subdivision. The lots sizes ranged from 26,066 square feet to 33,845. So this is right around a half acre to a little bit more than half of an acre. An acre is 43,560 square feet. So all the lots are less than an acre in this development. The average lot size is over half acre and that's at about 23,616.

The lots meet or exceed the minimum requirements of the R-3 District. Just so everyone understands, the Village is divided up into zoning districts, and the residential classifications there are 12 of them in the Village. And the largest lots have the lowest number. So, for example, an R-1 lot has the largest lot size of five acres. And then as you go up to R-12 they can be much, much smaller because they're in a manufactured or mobile home park. The R-4 sized lots, which is what this property is currently zoned, is about a third of an acre. It's about 15,000 square feet. That's what the existing zoning is for this property. And based on conversations at the Plan Commission meeting, there was a proposal to rezone the property to R-3 which would mean that the lots needed to be a minimum of 20,000 square feet with 100 feet of road frontage. Again, in some areas it's comparable with the lots on 28<sup>th</sup> Avenue and in other areas the lots are still smaller than those on 28<sup>th</sup> Avenue and immediately adjacent to this.

The staff put together a small spreadsheet of the proposed lot sizes. It was something that had come up in an earlier meeting in February or March. As you can see, at least lots 1 through 12 the square footages of the lots and then the frontages. A number of the lots have larger widths than the minimum of 100 feet. The ones that are less than 100 feet if they're on a cul-de-sac or a curve that width can be reduced slightly but at the building setback they have to be 100 feet. So this is kind of a breakdown. I believe this is in your packets as well of the lot sizes and the frontages and square feet.

This is the balance of the lots. There are two outlots in this particular development. There's one outlot at 28<sup>th</sup> Avenue for a storm water retention basin and one adjacent to the bike trail for storm water retention. In addition, there are some wetlands that are located on this particular property that have been identified for preservation, and those wetlands will be preserved regardless of whatever type of development or size of development. There are no floodplains, no shoreland, so none of those things are applicable. The environmental features from a regulatory standpoint for protection on this property are the wetlands and they must be protected.

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Population projections based on the 18 new single family lots at full build out, based on the Village's percentages as given to us by the census would be 49 persons, 11 school age children or 8 public school age children. 23 percent of our population is children so we calculate and give out and put together the numbers with Kenosha Unified School District.

There are two variances that the developer would need to obtain. These are typically petitioned for after a conceptual plan is approved or at the same time. It can come either way. If for some reason the Board decides to deny the variances then their conceptual plan would have to be redone. But there are two variances that are being requested.

The first variance has to do with the lot depth of lot three. There's one of the lots as you come in from the east/west segment of roadway and the depth of the lot is not at 125 feet. So anything less than 125 feet for a lot depth would require a variance. The second is the length of the cul-de-sac, in other words, the length of a dead ended roadway from the adjacent roadway, and in this case it exceeds 1,300 feet. The ordinance says if the length of the cul-de-sac is greater than 800 feet it requires a variance.

The biggest concerns that the fire department and police department, snowplows, garbage trucks, school buses they have with the length of a dead ended road is that they have no place to turn around. And if there are full urban cross-section cul-de-sacs with full turning movements to allow for the radius of the vehicles to turn, then typically the length of the cul-de-sac is not as significant as an issue. What we have done as a Village is we've limited in past practices the length of a dead ended roadway on a cul-de-sac the number of total lots that could be on that dead ended roadway. So in this case in the past we've limited it to about 18 or 20. I think it was 20 for the last two subdivisions. So one of the things that we had told the developer was that any more than 20 lots would not be acceptable for the granting of a variance.

With respect to open space, 13 percent or 1.97 acres of the site is classified as wetlands. There are some woodlands on the perimeter of the site that are proposed to be protected and preserved. There's 1.46 acres of other open space within outlots 1 and 2. The Village Plan Commission and Board set a policy and have been making some amendments to the zoning ordinance that the outlots would be identified as PR-1 Districts. They could either be PR-1 or C-1, but we've had a significant issue as you remember back last fall or last summer with Prairie Ridge where wetlands dried up and they wanted to make some modifications with the retention basins and convert them into buildable lots. And so the Village made a very conscious decision not to rezone the outlots into an R or residential classification so that no new lots could be built with homes on them. That if it's identified as an open space or a retention basin or an area that's not to be developed then it would have to fall into the PR-1 or C-1 District. And as recently as about three weeks ago we made a modification to the C-1 District to allow for retention basins to be located outside of wetlands. So either one of those classifications would be fine.

One of the concerns that these developers and others in the Village have had with respect to their homeowners associations is that specifically retention basins are not intended to be used for recreational purposes. And developers now and I'm not sure if homeowners associations are going back, but are specifically identifying them for no fishing, no boating, no swimming, no canoeing, because there's a significant liability associated with them and posting them as not to

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be used for those purposes. We've got some subdivisions that use them and others that are posting signs and prohibiting them. I have some developers that are actually writing regulations that say that they cannot be used for those purposes. Our ordinances don't address them because they're under private ownership and they're owned by the homeowners. So that's something that maybe the Board wants to talk about in the future.

With respect to site access there's one public street access point from 28<sup>th</sup> Avenue into the development. There were some discussions this past week between the Police Chief and the Fire Chief and my staff, and they have made the decision that it would not be referred to as Orchard Drive but a number would be assigned to the roadway instead. I would have to check with the Fire Chief but there is a street number that would be assigned. It wouldn't be identified as Orchard Drive.

28<sup>th</sup> Avenue extends to the north to 116<sup>th</sup> Street and will eventually extend south to 128<sup>th</sup> Street through Prairie Trails East. The conceptual plan allows for a potential future road connection to the north. Again, if the property owners to the north have no interest of ever developing their property or subdividing into a couple of parcels that's fine, but the option will be there for them to do it. We don't like to exclude someone's right to do something in the future if it's possible to allow and to create for that option.

November 13, 2006 public hearing comments and concerns. As I mentioned previously, the property owners had a listing of concerns and the developer had some responses to those concerns. The first had to do with construction traffic. All public improvement and home construction traffic will be routed from the south through Prairie Trails East north on 28<sup>th</sup> Avenue to The Orchard Subdivision. No construction of The Orchard public improvements will be allowed. In other words, no phase one public improvements would be allowed including grading until such time as the phase 1 improvements are completed in Prairie Trails East. That means their grading, their roadways are cut in, the underground utilities are put in, the gravel roads are put in and it's been accepted and dedicated to the Village. At which point that would be the access for this subdivision from the south.

The Village and its inspectors will monitor the construction vehicle activities and roadway conditions, and they would be responsible, the developers, for any damages to the particular roadway as a result of any construction.

Concerns with safety of school age kids walking to the bus stop on 116<sup>th</sup> Street. Prior to construction the developer's contractors shall meet with the residents along 28<sup>th</sup> Avenue. From this point north to the subdivision line all the way up to 116<sup>th</sup> school age children will be identified along with the times that they walk to and from the bus so that construction traffic could be limited during those periods that they board the bus. I'm not sure if these kids go to Southport or if they go to Prairie Lane, but we'll have to find out exactly which times that their buses come down through this area. The kids are walking because the bus I'm sure doesn't come down 28<sup>th</sup> Avenue.

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. . . high school . . . .

Jean Werbie:

I understand. I guess I was more concerned with the youngest of the kids but I have high school kids so I understand that perfectly. With respect to the buses coming down, at some point when 28<sup>th</sup> Avenue is connected through it is likely that the bus will come down 28<sup>th</sup>. It will come down through and then connect through the subdivisions. They won't just stop on 116<sup>th</sup>. And we'd be happy to meet with unified to discuss this with them to find out what would be the safest way for the kids to board the bus.

Concerns with the condition of 28<sup>th</sup> Avenue roadway. 28<sup>th</sup> Avenue will be evaluated by the developer and the Village before, during and after construction. It's the responsibility of the developer and their contractors and the Village does check this routinely, and we do follow up on any complaints immediately that if there's mud tracked on the road it is the developer's contractor's responsibility to clean it up at the end of business every day. If they don't they post significant monetary bonds with the Village. We call our workers out on overtime, they pay it, we sweep the roads. Usually it takes once or twice and then it doesn't happen again. But it is something that does happen on muddy days after rain events but it does have to be monitored. And if there is a situation it will be followed up on by the inspectors. Any damages to the road will be repaired or restored at the developer's cost.

There were a number of concerns related to density and conformance with the Village's Comprehensive Plan. These comments will address some of that but not all of that and I'd like to comment on that. The area for The Orchard Subdivision is lower medium density as I mentioned. All of the lots fall within that grouping or classification. Several neighbors suggested that the developers only construct four dwellings on the development. The developers would consider this option if it were economically feasible. The Village ordinances require a public road, public sewer, water, storm sewer, curb and gutter, paved roadways. All of those costs are at the developer's expense, not the property owners, so they would need to make sure that this is economically feasible. Maybe that's something that you need to look at that there's a compromise somewhere between 19 and 4. I don't believe that this would be economically feasible with just four lots. But maybe there's a compromise somewhere in between.

The Village staff worked with the developers to modify their density from the original neighborhood plan that was approved by the Plan Commission. They've already modified their request for the rezoning from R-4 to R-3. Further discussion is probably warranted by the Village Board as well as the developers regarding this.

Storm water and flooding concerns, as part of the project the storm water runoff will be collected and drained into two retention basins. The developer's engineer is here and he can explain exactly his evaluation, how he's proposing the site to be graded, when it would be graded and why it needs to be graded so that there's two basins, something to discuss further. The ponds will significantly reduce peak runoff rates exiting the site. Storm sewer, swales and berms will be

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installed to protect all property downstream. Right now it's just free flow off the property. Storm sewers collect the water, storm sewers can hold the water before it gets to and then eventually empties into the basins, and then the basins collect that water and eventually it's released from the basins to the site. So the water will continue to leave the site but at a much slower rate than it's leaving the site today. The Village engineers will review the site drainage and storm water plans for the development to ensure that the site conforms to the Village requirements as well as the Wisconsin DNR 151 requirements.

There were some concerns about Tobin Creek flooding. The developers completed a detailed field topographic survey of the site. The engineers have examined the regional topographic maps in great detail which is the elevations of this property and the surrounding properties. And the area draining to the retention ponds and the discharge from the ponds does not drain directly to the Tobin Creek. Again, if there's specific questions the engineer is here and he can explain some of that drainage.

Storm water pond safety concerns this was addressed several times. As I mentioned previously the basins do need to be there. There's no question. They need to be standing water ponds but how can we do them as safety as we can. Safety shelves, shallower depths of ponds, there can be things that discourage children from going to those areas but they do and they will gravitate to the water. Parents need to make sure that the kids don't do that but they will do that and we need to do whatever we can. If we fence it in you won't see the kids in the pond. You could discourage it with signage but kids probably won't read those signs. You could put some additional landscaping in. I'm not sure what other mechanisms that other communities have used, but kids will gravitate to those ponds and we need to make them as safe as we can.

With respect to impact fees and costs of development to the Village, the developers have agreed to make a donation to cover the full impact fees to offset the impact fee cost to the Village for the development. Impact fees to The Orchard are approximately \$16,038 prorated at the time of the lot sale. So in addition to the impact fees that are due at building permit there are additional fees that they have agreed to pay to offset any other fees that had not been covered by the impact fee. In addition they are required to sign pre-development agreements with the Village which they have. So any time that's spent on this project reviewing it, evaluating it, discussing the project, publishing notices and so on and so forth those are all covered by the developer.

There was a question with respect to the water. There is no mandatory connection by existing residents to the municipal water system. If the property owners do want to connect that the water main runs by their property they will have to pay a right of recovery back to the Village which we will reimburse to the developer for a ten year time period if approved by the Village, but they are not compelled or required to connect. The subdivision, however, must connect. Everyone within the subdivision must connect to municipal water and municipal sewer and have laterals to the storm sewer system. It's not an option for any new development that is developed by subdivision within the Village.

What this slide shows you is that the developer with the Village's encouragement is looping this water main to increase the water pressure and flow within the system. Prairie trails east would be putting in the water main down the east/west roadway and to their property limits, and then The

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Orchard would connect through 41 and 42 of Prairie Trails East to this system and then loop through the particular development from 28<sup>th</sup> Avenue to complete this system.

There was a discussion with respect to eliminating the berm adjacent to the eastern retention basin along 28<sup>th</sup> Avenue, again, for safety concerns not being able to see the children, so that berm was removed from the particular property. In some of our other subdivisions it's a sculptured berm and it's not a dyke so you can see over it, but it would have allowed for some undulating land with plants on it. But that was something that was eliminated.

Street lighting and street entry signage, the residents as that there be no separate subdivision signage for this subdivision. The developer agreed not to place any additional signage. Typically street lights are placed at the entrance of the subdivision and at any intersection. Again, the intention of the street lighting is to light the street, not to light the yards of the people but to light that intersection for safety purposes.

Again, these are some of the basic facts for The Orchard Subdivision. I'm not sure, Mike, if you would to start or if you'd like me to start going through some of the questions and we could answer as many as possible.

Mike Pollocoff:

I'll go through the ones I have. First of all, I'd like to thank the residents for their comments and their input. This helps the Board with their decision tonight. The question of takings - there's a significant amount of case law on takings, and most municipalities over recent years have struggled to stay away from that, what would be a regulatory taking which is my concern and advice to the Board would be on this.

In a suit on the zoning change, the Village is faced with a challenge from both parties, the party that didn't receive the zoning and the party that didn't want someone to get the zoning. So either way there's an exposure to the community as they deliberate the issue before them. I'm somewhat aware of the Indiana Supreme Court decision that was mentioned by Mr. Kim. They're not exactly the standards that the Wisconsin Court follows. Wisconsin hasn't adopted a concept of no absolute right to use the property. There is some use. And to the extent that the Village has created a Comprehensive Land Use Plan and neighborhood planning gives a developer some direction or property owners direction as to how their land would be developed, and they have some reasonable expectation that within some parameters the land would be developed if it's in accordance with the Comprehensive Plan.

The other two points made by Mr. Kim as far as the reasonable use of the property and most profitable, there is some case law in Wisconsin that says that to the extent that someone has made an investment in reliance on property gives them a foothold in the question as to whether or not that investment was made, again, on reliance of existing plans that took place. Regulating property from a public interest standpoint in prohibiting development I agree, and I think this would be in concert with Wisconsin law, if that land that's in ag preservation designation where there's significant agricultural use that cannot occur in other places, if it's historical value,

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environmental considerations, those are all uses that the Village has traditionally held up on and said that they consider those items when they look at property.

But with that being said, and especially as it relates to agriculture, I don't believe the Wisconsin Courts or even the Federal Courts have required farmers who are farming property to stay in a farming classification if the farmer chooses not to. If the farming property is to be developed and, again, if that development isn't in occurrence with the Comprehensive Plan, that's reasonable. But to require an owner of land to maintain an ag preservation which this district isn't wouldn't be the same.

With respect to smaller homes, the Village zoning ordinance, and Jean can probably talk on this in greater detail, but the zoning ordinance covers the entire Village. This is a very diverse Village. In an R-4 District all across the Village there's some areas in the Village where the R-4 where I think the minimum is 900 square foot homes, and there are some areas in the Village in an R-4 District where you might have a 3,500 square foot home. Really what the zoning ordinance sets forth is what minimums are. The maximums are really dictated by the size of the lots. Our ordinance doesn't list a maximum as far as square footage. It lists a maximum height, but the maximum is governed by the setbacks, how close you are to either side, how close you are to the front and how close you are to the back.

We can't require someone to build a smaller house. The zoning ordinance enables that to happen but we can't make anyone build a house that's smaller if under that zoning district they have more room to be able to build. If their land would accommodate a larger house within the restrictions of the zoning ordinance then they have the ability to do that. We can't tell them that they can't build a bigger house.

The issue of variances, that's a valid question before the Board as they consider variances, whether or not they're going to grant those variances to create those lots. If those variances are caused by something, the nature of the property, or if it's a self-imposed hardship that the developers is dealing with that's an issue that's out there for them to consider and that's going to have to be addressed down the road.

With respect to foreclosures, I don't know what area of the Village isn't affected by the economic market with respect to the ability of people to pay for their homes. We certainly hope that and I think everybody should hope that that foreclosure level doesn't increase and that ends up being a problem. And to the extent that from the Village's standpoint our responsibility and I think it's probably the view of Board members is that the extent to which the Village allows development to happen that doesn't pay for its way ends up being a cost that goes onto the tax roll. Any cost that's on the tax roll for property taxes is going to be a burden on someone who might be struggling with a mortgage. So what this community has tried to do is keep that level of exposure down to the lowest level. That as the Village develops we're not picking up any more expenses related to maintaining the operations of the Village that would be a tax increase they would have to suffer. I think that's where we have the most control over what would drive foreclosures. But I believe the largest part of it is market driven, but we are a piece of the pie and our responsibility is to make sure that the public portion of it isn't out of control.

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Mr. Renzulli made a valid point concerning traffic from the Prairie Trails East Subdivision. It was our hope that traffic could go back and forth over the bike path. That's not going to happen. That changes some of the dynamics of it. If you think back to the map that Jean Werbie had on there earlier showing the construction route, we really see 26<sup>th</sup> as being a street where more traffic will probably exit to the north, and that's a street where we have a little more land to work with with respect to the road and with respect to that ravine crossing at Tobin Creek. That's not to say people couldn't use 28<sup>th</sup> but 26<sup>th</sup> has more opportunities, and as part of the development approvals for the Prairie Trails East development that developer is being required to make more extensive improvements on 26<sup>th</sup> Avenue.

Restraints on construction traffic are extremely valid. In any development that's in fill we work diligently to make sure that construction is not going to aggravate the existing residents, and the limits that were proposed by Mr. Renzulli are what we have in the Village ordinance. The Village staff has been directed by the Plan Commission at least to place those additional restrictions as they relate to the school bus traffic that occurs.

Mr. Erickson made his comments on water assessments. Just to reiterate what Jean said, we do require the developer to put in water. We require that for a number of reasons, fire protection, ensuring that the existing ground water supply that rural residents rely on who have wells is not further taxed by new development so new development has to bring their own water with them. We're requiring the developer to loop that water system, and where that water system on 28<sup>th</sup> passes in front of other houses they have to agree to pay for the cost of that water main. The only time the existing residents would have to pay is if they choose to use it. If you're going to use the water then you have to pay for it. That's a choice that's made by the existing development. If they connect they pay. The development has to use municipal water. There is no choice on that. That has to be the case.

The elevations of the homes in relationship to the high water mark on the retention basin I'll leave that for the engineer. And the topsoil will be stripped off the site to the extent that we want to make sure that we have a solid grade where construction is going to take place for the road. In those improvements we need to start at a solid footing. In some cases if the soils aren't good we have to go down farther until we get good soil just as anybody at their home or if they're going to put their driveway in are going to want to be on good soil. That level hasn't been determined. But then the topsoil has to come back. It has to be stockpiled and put back on the land.

The question of flooding and who's responsible - when there's flooding and we've had this in a couple developments where something has happened with the design from the developer's engineer where there was some offsite flooding that occurred from a new development into old development - we require in the development agreement that we enter into with these gentlemen if the development proceeds or any other developers they have to agree to assume the responsibilities for the design having any failures and if the engineer designed something that doesn't work. We're going to review that plan very closely but we're not going to redesign it. When the Village reviews an engineering plan for storm water management, sewer, water, street we don't redesign the engineer's design. We evaluate the means and methods by which that design was accomplished to make sure it meets our standards. We check for components of the

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plan to make sure it addresses our peak flow for storm water, the 100 year event, two year event. We're going to follow all those things and make sure it happens.

But if there's a bust in the design and not typically but when these do happen, and sometimes there's something that happens between the design and construction, the people who put that in, and that's going to be the contractor, the developer's engineer and developer, in that development agreement they have to agree to assume that responsibility if there is a failure. Will the Village be responsible? Unless it's something that we made the developer do that they didn't want to do, if the developer's engineer said I can't agree with this but the Village says go ahead and do it anyway then the Village is going to be responsible. We make the developer assume that responsibility. This, as with any development, storm water is one of the things we pay closest attention to because it has the greatest potential for property damage to abutting neighbors.

One of the things that happens typically with these developments is that a new development on barren land or even in the case of The Orchard water is running uncontrolled when we do have a lot of rain. There's nothing to stop storm water from going whichever direction of least resistance that it's going to follow. We require developers to plan to take water that's coming from other peoples' property onto theirs, as well as plan for water to make sure that water doesn't come off the developed property under developed conditions onto other property. 95 percent of the time people surrounding these developments have less water where you have an undeveloped area and a developed area than they had to begin with. They have to accommodate the water that's coming from your property onto their property. They can't push more water off onto your property than came before. If there's still water coming off there it can't come any faster and there can't be any more that comes that way.

Ponds are an attractive nuisance, in my experience in talking with other Village or City managers, public works directors, the retention basins, especially since the new clean water rules have gone into effect, have gone two different ways. Milwaukee was probably one of the first communities along with Los Angeles that made a significant effort to fence and restrict access to drainage ways and retention basins. Still to this day if you go to Milwaukee you can see a number of areas that have high fences bordering those. What has been discovered over time is there hasn't been a fence yet that a kid is not going to climb because kids are kids and they climb fences. The problem is that firefighters are big guys and the rescue personnel they're trying to climb a fence or get through a fence with gear and everything on and it ends up being an obstacle and it's more difficult.

The common practice now is, and I think it's been borne out by the success rate, is that detention basins need to be designed with the assumption that people are going to get into them. One way or another they're going to get into that basin. There's got to be a shelf so that when the water is shallow that when somebody gets in there they're not underneath right away, that they can stand up and walk back out and they can get out of it because they're going to do that. I think that coupled with people watching their children, neighbors watching what's going on, those basins have had a far less occurrence of anybody getting into them. A kid getting on a basin in the wintertime on the ice is no different than any pond. If mean if they get out in the middle they're going to get out in the middle. But blocking them off, I think what to be able to do is to get into that basin when you need to get in there, whether it's us or a neighbor or somebody that sees a kid

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in there. If they have to go through obstacles to get in there the chances are they're not as good at getting over the fence as the kids are getting over the fence.

The discussion as far as having two basins rather than one, I don't know if they've looked at that, but what we direct and design is we don't want to have any grading that's going to cause in the subdivision where you artificially elevate a development way higher than the existing area. You want to work with the existing terrain. If the developer is to shift the water all to the west or shift it all to the east depending which basin you're looking in, something is going to get elevated to help push that water in that direction which means somebody is going to be looking at the high side of the development, and it inhibits being able to get water into the development from abutting properties. Then you don't get the benefit to be able to have the water move where it moves.

That being said, if the Board approves this development in some level, as they go through their detailed engineering if there's an opportunity to do that I'm not opposed to having one basin, but I would be opposed to having one basin that would limit the ability of The Orchard development to take water from abutting properties to get it into a managed system.

I think the Willkomm's made a comment about the 27 lots and two ponds. I think one of the problems that exists is Pleasant Prairie is a lot more aggressive than most communities in adopting a Comprehensive Plan and then layering on top of that a neighborhood plan. You don't have to look too far outside of Kenosha County and even the City of Kenosha to find communities that don't adopt a plan that, one, is followed and secondly has that second layer of the neighborhood plan. As Jean indicated, the Comprehensive Plan gives you a range of lot sizes between 12,999 and 18,000 for this neighborhood. The neighborhood plan gets that more specific. There are a lot of reasons for doing that. One is for making sure that our sewer and water and everything else designed appropriately to handle the number of people that are coming into our community. And the other reason is to give the people in the area the opportunity to look at, one, how their land could develop if they have significant vacant property and, next, to let the neighbors around that property know how that land would develop if they don't have a large parcel that could be developed but they live next to a large parcel. So they would have some idea as to how things are going to develop.

We do that and go through a number of hearings and we rely on input from the people when we have those hearings to let us know what they like and don't like. We've gone through some neighborhood plans through eight versions as we work through it and see what people want and don't want. If at some point either people didn't know about it or didn't come or they moved in after the plan started, that's when some of the tension starts and that's a difficult thing to deal with. On one side the Village makes it a little bit difficult because we plan it out a lot more specifically than you do on a comprehensive plan. But in a comprehensive plan with no neighborhood plan you really don't know what you're getting. You don't have a good idea of what the density is going to be or where the roads are going to be or things like that.

If the Village has erred on anything we've erred on planning too closely and in too much detail which I think at the end of the day helps more than it hurts. And we've dealt with as a community some troubling issues as far as changes in land use. The most significant was the

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construction of limestone quarries in the area. The Village sits on one of the largest deposits of limestone this side of the State. And for the people who have lived here since '94 that was a significant pressure on the Village. The only thing at the end of the day that saved the Village from being a mining community versus the community we have now is that the Village had comprehensive plans in place. We didn't plan on being a mining community with limestone pits. We planned on being a community of urban lots in a rural area and urban development. In moving back to that one of the problems we have in this community is that under Wisconsin law if it's agricultural one of the highest and best uses for agricultural land is mineral extraction. That's the most profitable farming that you're going to be able to do.

That's not to say there would be a limestone quarry here, but that's what kind of drives the planning logic and zoning logic that pushes our comprehensive plan and our neighborhood planning to be able to say we have 30 percent of our community that's in conservancy zoning, we have a large section of our community in industrial zoning and we also have a large section that's set up for residential because all things being equal as a community we decided we'd much rather have more residential than have quarries. That's a basic fundamental for some of the older Board members and people who have lived here that has had to deal with that issue. The major thing that stopped the quarry was that we had a plan in place that said we planned for something different than quarries. We plan for homes. And not all of them come at once, but at some point down the road that's how the Village will develop. Jean?

Jean Werbie:

I have a couple of other things that I'd like to add. This slide which was shown at the Plan Commission meeting does show the existing dwellings on 28<sup>th</sup> Avenue and the one vacant property. There is some potential to do some additional subdividing. One of the questions I think that was raised by Mr. Godbold was to look at lots and he is correct. The depth of the lots on 28<sup>th</sup> Avenue and on 26<sup>th</sup> Avenue is greater than what would be in this particular subdivision which adds to and allows for larger lots on 26<sup>th</sup> and 28<sup>th</sup> Avenues. So with a shorter depth the area is less. Again, many of the lots on 28<sup>th</sup> and 26<sup>th</sup> are an acre or more. These would be a little over a half acre, again, because the lots depths are not as significant.

One of the things that Mike has mentioned with respect to the zoning is that we have a section in our zoning ordinance entitled single family dwelling standards. It appears in every single R District. And in the R-3 District it does state that the minimum house size needs to be 1,400 square feet with a minimum first floor of 1,000 square feet. But it doesn't have a maximum. Again, what he said is it's defined by the setbacks. So in this particular district it's a ten foot setback so he can build to those setback lines with a larger home should they choose to do that and they can go up higher in height if the area and the setback is increased and some have chose to do that in other areas of the Village, to go from 35 feet up to 50 feet in height.

But otherwise there's some general guidelines, but what developers do is they put forth more restrictive covenants and restrictions that set forth what the home size should be, what materials it should be made of, how tall, what the roof pitches should be for the home and so on and so forth. So the guidelines and restrictions that they put together really set forth what that subdivision is

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going to look like. My understanding is that there were going to be larger homes in this particular area.

One of the other questions that was raised had to do with the variances. Again, there were two variances that were requested. The variance criteria is a little different between the Board of Appeals and the Village Board. The Village Board considers variances to the land division ordinance. The Zoning Board of Appeals considers variances to dimensions or sizes of the zoning ordinance. So there are two different ordinances and two different sets of criteria. But when the Board does consider the variances that aren't on the agenda tonight but will be shortly is to grant such variances from the requirements of this chapter as will not be contrary to the public's interest where owing to special conditions which are not generally applicable to other properties or the use thereof and which are not recurrent in nature.

So you'll need to make some decisions based on the variances that they are requesting whether or not they meet that test. So it's not a no reasonable use test, but there are some criteria that you have to decide whether or not the variances they request meet it. If, in fact, you decide not to grant the variances any conceptual plan that gets approved by the Board needs to meet either the ordinance or any variances that you grant.

There was one question, and maybe Mike could just touch on it, that Glen Erickson had asked regarding a water treatment plant. If you just want to mention that. I'm not sure if he understood that Pleasant Prairie will never build its own water treatment plant. We're in a regional water utility and our water comes from Lake Michigan. We are basically a customer of the City of Kenosha and that will not change and we can't make that change. I don't know if you want to add anything to that. But we will continue to have municipal water but we won't have our own water treatment facility here.

The one comment with respect to the hours of operation for construction activity we do set hours of construction for home construction as well as new home public improvement construction. Typically those hours are 7 in the morning and by ordinance it's 10 at night. But what we have done is that in existing areas where there's existing residential development we can shorten the ending hours so it does not go into the evening. We've also modified hours on the weekend as well. So if that's something that the Board wants to do I just need to know what those new hours are, but 7 in the morning is the earliest start time for anyone, and we can modify those and put those in the permits when they get to that point.

There is one other thing that we haven't talked about yet this evening and we do need to talk about before the Board makes any further discussions or deliberations, and that is the fact that this property is proposed to be rezoned. The rezoning of the property would go from the A-2, General Agricultural District, to the R-3 District which is an Urban Single Family Residential District. The significance about the rezoning this evening is that they are looking to rezone the portions of the property from ag to accommodate residential development. They would like to put the wetland delineated areas into the C-1, Lowland Resource Conservancy District, and then the outlots would go into the PR-1, Park and Recreational District.

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Protest petitions have been filed by property owners surrounding this property, and I'm just going to read this as information. Pursuant to Section 420-13 G of the Village Zoning Ordinance, and pursuant to Chapter 62.23(7)(d)2m of the Wisconsin State Statutes, if a protest petition is submitted to the Village regarding a proposed rezoning it would enact a supermajority vote of the Village Board. What that means is four out of five Village Board members would need to vote in favor of the zoning change in order for it to become effective. According to the statutes and the Village Zoning Ordinance, the protest petition must be duly signed and acknowledged by the owners of at least 20 percent of the area of the land immediately adjacent to the land to be rezoned and extending 100 feet there from or by the owners of at least 20 percent of the area directly opposite the land to be rezoned and extending 100 feet from the street frontage of such opposite land.

Basically the Village has received protest petitions from nine individuals that are in proximity to this development within that 100 foot distance. So because of that and the percentage is greater than 20 percent it does force a supermajority of the Village Board. So on the rezoning matter if that is acted on this evening which is Item C, there would need to be a four out of five decision in order for it to be voted in favor. And we just need to identify by roll call those four out of five members. This is a map that we put together to help identify it in a visual perspective where the protest petition property owners lie. Again, they are within that proximity to the area to be rezoned which requires the supermajority. Specifically nine protest petitions were considered valid; 55 percent of the area meets the criteria.

With that I know that there were some specific questions with respect to needing to have the engineer answer some of those questions, and they had to do with grading, the high water level of the basement, walls of the basin and the drainage from the retention basin. The engineer is in the audience if you'd like him to answer those questions for the audience.

Chris Jackson:

Good evening. My name is Chris Jackson from CJ Engineering, 13005 West Bluemound Road, Brookfield, Wisconsin. To address some of the issues regarding storm water, as everyone is aware, the Village of Pleasant Prairie and the State of Wisconsin require specific storm water management practices in any new development. On this site the existing drainage drains both to the south and also to the east. Because of that change in topography of the land two basins are required. We don't want to regrade the whole site. Not only would it be non economically feasible it also just would be bad practice. It would require extra grading, extra excavation, import of soils. So that is the reason for the two drainage basins.

As far as the construction, as part of this before the final approvals are done, I submit a formal storm water management plan and erosion control plan. It's reviewed extensively by the Village to verify concurrence and conformance with both the Village requirements and the State statutes. In the process of construction the top soil will be removed so it's not mixed in with the clay soils that will be suitable for foundations. Those areas will be identified on the erosion control plan. They'll be temporary seeded and they'll be surrounding by silt fence. That area will be protected. The storm water management plan and erosion control plan will also identify sedimentation basins to control sediment runoff. There's also a requirement that mandates that any area left

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barren for more than seven days must be temporarily seeded. At the conclusion of the grading top soil will be respread on the development and reseeded.

As far as the basements, this is a single family residential neighborhood, all the buildings will have basements. The basins themselves are to hold water permanently and that's how we get the water quality. As part of that they have a clay liner that holds that water and doesn't allow it to migrate into the ground water or over to the basement. So there's really not a major concern of water coming from the retention basin over to the basements. The water temporarily raises a couple feet during a heavy storm and then comes down over a long period of time and that's how the water is controlled. The water is really going to discharge after development to the same locations more or less. Instead of just sheet draining across to the neighbor's property, now it's confined to a specific location. The flow is significantly reduced so it kind of just trickles out. And then it will go into the ditch on 28<sup>th</sup> Avenue or into the wetlands to the south and into the Prairie Trails East development.

As part of that design the Village will verify that the swale will be built to handle it and any improvements in the public right of way will have to be done as part of this development to accommodate that water. I think that answers the majority of the questions. The basin will be designed with the safety shelf to prevent—which means that during the first 10 or 12 feet of the basin the water will not exceed a foot depth. That area is planted with kind of a wildlife seed mixture to discourage people from going into it. It doesn't look as friendly because there will be wetland type plantings usually in that first 12 feet that come out of it. We'll also put an aerator in the ponds that will prevent mosquitoes from breeding and discourage that and keep the water moving around. If there are any other specific questions that I've neglected to address please let me know. Otherwise I'll be over here to answer any questions that the Board has.

John Steinbrink:

Sump pumps will be directed then into the storm sewers? That's in the Village ordinance now I believe.

Chris Jackson:

Yes.

John Steinbrink:

What about gutters and down spouts?

Chris Jackson:

Gutters and down spouts will spill to grade. That way it slows down the water. The master grading plan will have swales, drainage ways identified along the lot lines. If they cross more than one lot there will be easements so all the water will safely enter in the basin. As part of this plan because of the concerns we did a complete master grading plan and preliminary storm water

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management plan and the Village staff has reviewed that. I can verify the safe conveyance of water to those basins.

Mike Pollocoff:

Just a couple things to add on. One is an addition on the staff comments that I'd like to make. With respect to 28<sup>th</sup> Avenue and since the construction will take place from the entrance to the development south, we've said the road would have to be repaired in conjunction with the construction traffic and the water main. I want to make sure the developer understands and we put this in the comments my definition of being repaired is there's probably no doubt that the base core is substandard on that, that's why it's going to fail when construction starts, so that repair is not putting another coat of asphalt on it. It's re-establishing the base to whatever extent it's been damaged. The developer may want to consider doing core samples of that section of road to see what they're dealing with going forward. So I don't know what it is. I remember it wasn't great when we put the sewer through that area, but my hunch is just based on how it's performing it will need an expanded road base.

One of the other comments that was made by Carol Alter about the safety of the road, I don't think anybody wants to design a road that's going to get anybody killed. We have some issues on that road that probably need to be resolved from the Village's standpoint that we can't really have the developer--well, we could have the developer, if they want to pay for it that's fine but I don't think we can make them. Since we're not going to let them go north on the development those improvements going north are something that we need to take a look at from the Village standpoint. Primarily I think the Board is going to need to look at re-establishing that bridge crossing at Tobin Creek. I want to say it's a 48 inch CMP in there, and I don't know how long that's been in there, that would need to be replaced with a concrete bridge or span structure or maybe even a culvert to widen and give us some more room on the street there. And then take a look at repaving when we start the road paving or construction projects in 2009 to put this one into the queue to get it up to speed.

It is one of our more narrow roads. We don't have a lot of right of way to work with, but I think we could probably maximize the right of way we have. We can't make, at least with the conditions that are being placed on the developer right now, those requirements to require the developer to improve anything north when we won't allow the developer to go north on 28<sup>th</sup> Avenue. But there are some things that the Village should do with our road program starting in 2009 that would improve 28<sup>th</sup> Avenue.

The other thing to point out just from a reality standpoint a good part of this development is being hinged on the progression of Prairie Trails East as they move along. We can't have this one start until the other one goes because they need their water and their access from there. Prairie Trails East is coming up for final plat. We're in the process of reviewing that now. They'll get that out. I don't know if it's likely that they'll get started this year or not. They might get started this fall. But what happens is to be able to put--Prairie Trails East is going to have to modify their floodplain, do the grading, put in the sewer, put in the water, put in the storm sewer and then proof roll the roads for gravel to be placed on that. If they make that this construction year I'd be surprised, especially knowing the developer. So I think that work would probably take place late

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spring or early summer before they could get started on this development. But that all has to take place before we can allow anything else to go in here. So as long as we're in the 2009 cycle for the road program to start in the Village I think that's going to be well within the time frame by the time The Orchard gets going to have that work take place as well if this development proceeds as its proposed.

Mike Serpe:

Mike, I'm glad you identified 26<sup>th</sup> and 28<sup>th</sup> Avenue. If there is other than 48<sup>th</sup> Avenue in the Isetts West area that the City kind of messed with us a little bit on and it caused some problems, this is one area that is in definite need of some attention on the roads, not only with 26<sup>th</sup> and 28<sup>th</sup> Avenue but with 116<sup>th</sup> Street as well. All three are in need of some serious help.

Carol Alter she kind of said a lot that I totally agree with with reference to the roads and, Mike, you've identified that. The other thing that sticks in my mind and what everybody is talking about, at least what triggers my mind to think this way, is it's a change in an old, established neighborhood. Sometimes it's very difficult to accept because you don't know what it's going to turn out like. When I hear the number 2,800 square feet on a home I don't think that's exceptionally large. I don't think it's small. I think it's very comfortable. When I think of a 2,800 square foot home on a more than half acre lot I think it fits very well. When I look at Meadowdale Estates where there are 5,000 and 6,000 square foot homes on three quarters of an acre lot it worked out quite well.

If this was our first subdivision that this Board was going to deal with and there's an unknown that would be one thing. But we've had 18 years of platting subdivisions and developing a Village, and for the life of me I can't think of one development that we failed on since we've been a Village. That's a good credit to Jean and her staff and Mike and his staff and to all the Board and the pervious Boards and the Plan Commissions.

Change is difficult. I can't for the life of me get out of my mind when 165 was going to be expanded to the Interstate. Oh, my God, it was terrible. You're going to ruin this, we're going to ruin this. I would like to see any of us in this room live without 165. Can't do it. Same arguments came forward about change with Highway 31 expanding to four and six lanes from Kenosha to Racine. The controversy and the concern about how it's going to ruin everything. I can't for the life of me again see how we can live without Highway 31 being in the condition that it's in today. That was a change.

I don't see this—there has to be some type of transition starting someplace from what's there now of an old, established neighborhood to what's coming in the future. We're not going directly from what's there now to one third acre lots. We're going from what's there now to better than half acre lots. The developers want to live there. I don't know that it's going to be objectionable to look out your window from a distance because some of your lots are quite large. There's going to be quite a distance from your house to the new development. It's a lot of open space.

Again, have a little faith in your Village and what we've provided so far since we've been a Village for 19 years. I don't think we've failed you. I was going to tell this to Mike before he

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made a statement about the attention that needs to be given to 26<sup>th</sup> and 28<sup>th</sup> Avenues. That is one area that we definitely have to address. There's no question about it. It's got to be addressed before it's too late because it's going to grow and we have to be there and be ready for it when it comes forward.

Steve Kumorkiewicz:

I think . . . I figure from the east end of this subdivision to 28<sup>th</sup> Avenue is 670 feet. Is that right?

Mike Pollocoff:

Round numbers, yes.

Steve Kumorkiewicz:

I was on Mrs. Alter's property yesterday looking at the delineation of the terrain behind her and her property. By the way, one of the questions I think you asked me was is our bridge over Tobin Creek being improved, and I come back and talked to Mike and yes we can do it. That can be done. When I look at those 670 feet and Mrs. Alter's property is 250 or 260, there's going to be a certain distance in which the water is going to stay or is going to drain down to the utility easement in the east end of the property, correct? So any drainage or any accumulation of water existing now in the properties in the west end of the property on 28<sup>th</sup> that water should drain down to the easement to a . . . going to the sewer system to the retaining pond, correct?

Mike Pollocoff:

The preliminary storm water design done by the engineer reflects the grading on those lots abutting the existing property line that you're talking about shedding water off so that it doesn't drain onto the abutting properties, it accepts the water coming from the east and it drains it along a swale to an inlet where it goes into the storm sewer.

Steve Kumorkiewicz:

It's going to go to the utility easement actually?

Mike Pollocoff:

Well, it's storm water and utility. We don't want to put the storm water over the utility easement.

Steve Kumorkiewicz:

Yes, correct. The size of the pond on the north side I have a little problem with wondering why it's got to be bigger than the one on the south side.

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Mike Pollocoff:

We'd have to ask the engineer.

Chris Jackson:

It has little to do with the efficiency of the use of the land. It's actually the amount of storage is probably not that much different. It reflects a little bit on how much water goes to the pond. So if you have more water going to that area because of the topography it has to do with that. The other thing is the irregular shape because of the wetland area makes actually the water surface smaller but the amount of storage or the amount of detention that it holds isn't that significantly different. The key, in fact, during sizing these is the amount of area coming to them and then the required release rate. Both ponds have been sized to the new Village requirements which are substantially a reduction of the existing runoff for both ponds. But it's more of a case of the efficiency of the lot, the size of the lot or the size of the area needed for it isn't that different. It's just the irregular shape of the south one.

Steve Kumorkiewicz:

So the north pond actually is going to drain in the south pond?

Chris Jackson:

No, the north pond takes water from the cul-de-sac to the north and from really the turn of that road everything east goes to the north pond. From the turn in the road everything south to that cul-de-sac goes to the south pond.

Steve Kumorkiewicz:

So actually drainage—I'm a little confused on this.

Chris Jackson:

There's existing—

Steve Kumorkiewicz:

You can point out where it's going to drain.

Chris Jackson:

There is an existing high spot or grade break right there, and so all this area right here drains to this pond. And from here down this area here drains to this basin. Because of the irregular shape it appears to be substantially smaller than this, but it's only a little smaller and that just reflects that there's a little less land going to this basin.

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Steve Kumorkiewicz:

So the south pond is going to discharge in the wetlands?

Chris Jackson:

That's correct.

Steve Kumorkiewicz:

And the north pond?

Chris Jackson:

The north pond will discharge into the drainage ditch on 28<sup>th</sup> Avenue.

Steve Kumorkiewicz:

28<sup>th</sup>?

Chris Jackson:

Currently the land from this area flows towards the south. We need to maintain that flow. We can't stop the water from draining out of the pond. It will drain out at a trickle, a slower rate, but the water will go down the swale on 28<sup>th</sup> Avenue to the south and then in turn to the Prairie Trails development ultimately.

Steve Kumorkiewicz:

I was looking at the elevation of the roads.

Chris Jackson:

The existing high spot of 28<sup>th</sup> Avenue is right about here, and this area goes to Tobin Creek and this area goes to the south. We did a land survey with topography and verified where the high point of the road is. This area drains down this way and this area drains down this way. It's not feasible to get the water to go uphill over to this spot.

Mike Serpe:

We're not anywhere near the final engineering, is that right?

Chris Jackson:

No, that's correct. We've done substantial engineering to get these questions answered and develop a plan but we're not at the point of final engineering.

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John Steinbrink:

But you've shot preliminary grade and you understand which direction the water flows.

Chris Jackson:

Yes. We have a preliminary grading plan, a preliminary storm water done that has been reviewed by the staff, a preliminary utility plan and we have a complete topographic survey done for this site.

Mike Pollocoff:

When the Village engineer and myself review the final engineering, like I said, they'll account for that water. If there's something downstream that has to happen to get that water out then that becomes part of the project. It just can't dump to a point and then free flow from there.

John Steinbrink:

And we do that on any project.

Mike Pollocoff:

Right, and we're not at that point yet. This is still the conceptual plan. We're letting the developer know what our requirements are which we've done, and then since drainage is a major issue here the developer has done a lot more work than is typically done at a conceptual level. As far as the nuances, and not nuances but the details, that has to be engineered.

Monica Yuhas:

I have a question for Chris. With the retention pond or basin, how much water on the average is going to be in there? Because after talking to the residents this weekend a lot of them have smaller children and children tend to gravitate towards water. I don't have any basins where I live so I'm wondering how much water is in those basins at any given time?

Chris Jackson:

As we said the first 10 to 12 feet it's only a foot deep. Then when you go in the center of the pond are it tends to be 4 to 5 feet deep. There is a requirement on any new development that we remove 80 percent of suspended sediment prior to discharge. That's a State DNR regulation, and that dictates the height of the basins. Over time they fill up with sediment that has to be moved out, so five years from now you start with 5 feet and you may end up with 3 feet and they have to be emptied out and then they go back to the 4 or 5 feet depth in the center. That's dictated by the water quality requirements. Going less than that then you tend to not get the sediment control that's required.

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Monica Yuhas:

Okay, thank you.

John Steinbrink:

Thank you. Any other questions? Other comments or questions?

Monica Yuhas:

My other concern is the road. I know it's narrow. I was out there. And my concern is with the school bus going eventually down that road if the subdivision goes in. How is that going to happen? Are they going to go out through Prairie Trails East? Is there going to be a loop for them to go in and out off of 116<sup>th</sup>?

John Steinbrink:

Maybe Jean can answer that for you.

Mike Pollocoff:

Can you put that map up that shows Prairie Trails? Monica my thought would be we're not sure what the collection of kids is going to be like in Prairie Trails. But what we want to have happen is get the kids off of 28<sup>th</sup> and 26<sup>th</sup> from having to walk down to 116<sup>th</sup> Street so that bus would come down probably, say, 28<sup>th</sup> where the red line shows and then it would veer over to the left, circle around and come back out 26<sup>th</sup>. In the first instance the first phase of Prairie Trails East has to be where the red line is going to the east, and then that connection between 26<sup>th</sup> and 28<sup>th</sup> has to be made. So if Prairie Trails isn't done yet then that loop would go between 26<sup>th</sup> and 28<sup>th</sup> part of the Prairie Trails East Development. So what we would need to have happen, as Jean indicated, sitting down with the Kenosha Unified School District and say we need that bus not to have anybody walking up to 116<sup>th</sup> Street which is not good anyway whether the development happens or not, but having them pick up on a circular around that area.

Steve Kumorkiewicz:

A question to Mike. Mike, I think that it's very possible to get that talking with Jeff in the Unified's transportation department – there should be no problem having them stop at the entrance of the subdivision which in turn is going to be . . . of the pickup in 116<sup>th</sup> pretty much way south of 116<sup>th</sup> right there for the kids. So they can be picked up right there and not going in The Orchard. I don't think they're going to. If they go they have to turn around the cul-de-sac and turn around and come back out.

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Mike Pollocoff:

Remember Prairie Trails East would have to be completed for driveable service before The Orchard starts. So that loop connecting 26<sup>th</sup> and 28<sup>th</sup> would be completed before The Orchard could start.

Steve Kumorkiewicz:

So that's not a problem, the bus can go in and out.

Mike Pollocoff:

Right.

Clyde Allen:

I did receive a phone call from Karen Mutchler who couldn't be here tonight and wanted to speak. Her main concern was the road being narrow and in bad shape. I made two visits out there. One was in the winter. I had a chance to meet two of the residents at that point in time. It was not a fun experience driving down the road that day. It was difficult. Mr. Renzulli brings up the 150 or 200 cars there. That is a major concern. The overwhelming theme from the people that called and e-mailed was the safety of the children. That is a major concern. I did see it when I drove that road how narrow it is. I was deeply concerned as to what will happen when we do have all this traffic and the road shape is not good.

Mr. Godbold if I could just make one comment that believe me we all have the deepest respect for the owners. This is a highly sensitive issue. I'm giving it my due diligence but you are getting the respect you deserve. It really is a tough, tough situation to be in. And a lot of the owners who called or e-mailed are long-time owners. Like Mike had said it's difficult to change, so regardless of how it goes I did ask two of the people if there's a way to get along because that is the ultimate concern, can we be good neighbors, and that is another issue that we really need to keep on our minds. It is highly emotional and sensitive. I do have the concerns with safety. I really do.

John Steinbrink:

I'm not going to open it up for questions because we're going to stray off what our issues are here today and that's what happened at planning. I'm not going to allow that Mr. Godbold.

(Inaudible)

John Steinbrink:

The issues before us are a first step if they are approved. This plan will be back before Planning Commission and the Board quite a few more times and everything here hinges on the other development, correct Mike?

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Mike Pollocoff:

Yes, that's a condition that the Plan Commission recommended as well as staff is that it hinges on the Prairie Trails East development. They're not able to start until that one gets completed through the first phase of construction which would be a gravel road in Prairie Trails.

Steve Kumorkiewicz:

Do you have an estimated time?

Mike Pollocoff:

No. Right now the best we know is that Prairie Trails has submitted a final plat for the staff to review and we're reviewing that. That's a lot more detailed review than occurs at this level because it's not conceptual. We're digging into the lot dimensions, making sure the plat's right, the engineering for everything, determining what the financial contribution is going to need to be by the developer, examining contracts of the contractors that the developer is going to use to complete the project. It's a fairly intensive process and we haven't started that yet. They've just made their initial submittals. Quite frankly one of the things that tends to slow development around in the Village is we have a lot of development proposals before us and it's Jean and myself and her staff. We can only get to so many plans at one time.

Mike Serpe:

Not every conceptual plan that we have approved in the past has come to built out. A number of them have not. They were approved at the Plan Commission stage, at the Board stage and just never went any further, and I don't know what the future is going to hold as well. But it's a long way off from taking place. I think everybody here has heard me at the Plan Commission and they've heard my statements at the Board. I still stick by those statements and I will support the neighborhood on a road reconstruction project of some sort that can't happen soon enough as far as I'm concerned. We could be talking about this forever. I think to get the process going I'm going to approve 07-25 to amend the portion of the Sheridan Woods Neighborhood Plan.

John Steinbrink:

A motion has been made to approve Resolution 07-25. That is the Sheridan Woods Neighborhood Plan Amendment. Jean has presented that to us. Do we have a second?

Steve Kumorkiewicz:

I second because we don't have a choice. I'm concerned with the takings in this.

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**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #07-25 TO SUPPORT AN AMENDMENT TO A PORTION OF THE SHERIDAN WOODS NEIGHBORHOOD PLAN FOR THE APPROXIMATE 15.3 ACRE PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 28<sup>TH</sup> AVENUE, SOUTH OF 116<sup>TH</sup> STREET, AT THE APPROXIMATE 11900 BLOCK, TO ACCOMMODATE THE PROPOSED 19 LOT SINGLE-FAMILY SUBDIVISION TO BE KNOWN AS THE ORCHARD SUBDIVISION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

John Steinbrink:

This is the first step. Jean, what is the time a lot of these take? Some of them have been out there for 20 years. I'm not sure if this will be there 20 years.

Jean Werbie:

From this step anywhere from 18 months to 6 to 10 years depending on how it's connected to other projects, developments and conditions.

John Steinbrink:

And hinges on another development plan.

Jean Werbie:

Correct.

John Steinbrink:

Motion carries on 07-25.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CONCEPTUAL PLAN FOR THE REQUEST OF JM SQUARED LLC, OWNER, FOR THE APPROXIMATE 15.3 ACRE PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 28<sup>TH</sup> AVENUE, SOUTH OF 116<sup>TH</sup> STREET, AT THE APPROXIMATE 11900 BLOCK, FOR THE PROPOSED 19 LOT SINGLE FAMILY SUBDIVISION TO BE KNOWN AS THE ORCHARD SUBDIVISION, SUBJECT TO CONDITIONS SET FORTH BY STAFF; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-16 RELATED TO A ZONING MAP AMENDMENT FOR THE REQUEST OF JM SQUARED LLC, PROPERTY OWNER OF THE APPROXIMATE 15.3 ACRE PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 28<sup>TH</sup> AVENUE, SOUTH OF 116<sup>TH</sup> STREET, AT THE APPROXIMATE 11900 BLOCK, TO REZONE THE PROPERTY FOR THE PROPOSED THE ORCHARD SUBDIVISION AS FOLLOWS: THE FIELD DELINEATED WETLANDS INTO THE C-1, LOWLAND RESOURCE**

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**CONSERVANCY DISTRICT, THE PROPOSED SINGLE FAMILY LOTS INTO THE R-3, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT AND THE NON-WETLANDS OF THE PROPOSED OUTLOTS INTO THE PR-1, PARK AND RECREATIONAL DISTRICT; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

John Steinbrink:

Motion carries 5-0. That concludes the three items we discussed here, A, B and C. Board will take a five minute break here just to let everybody settle down.

**D. Consider Ordinance No. 07-22 - Ordinance to Repeal and Recreate Chapter 221 of the Municipal Code Relating to Manufactured/Mobile Homes and Manufactured/Mobile Home Communities.**

Mike Pollocoff:

Mr. President, the staff has been working probably for at least the last four or five months on bringing our mobile home/manufactured home community ordinance up to speed. Getting it so that it really addresses some of the problems that have occurred in mobile home communities and the relationship between the people who live in them and the owners that are there. This new ordinance makes a more clear definition of the terms involved within mobile homes and some of the things required. Jean if I could get you to flip for me or get somebody else up there.

As you can see it's a pretty broad ordinance but I wanted to hit some of the key things that are requirements for the communities. One is a site and operational plan that's got to be in place and it must be in a well drained area. In two of our larger mobile home parks in the Village drainage is a serious problem. Given the way the units are anchored that really gets to be a problematic issue and it needs to be done in a good manner. Mobile home units/manufactured units shall be clearly defined and the community shall be arranged so all units abut on a public or private street for a distance of at least 16 feet. The street needs to be paved. It needs to be snow plowed. It needs to be maintained in good condition having natural drainage. It needs to be well lighted at night and it shall not be obstructed by anything at any time.

Under community management every manufactured/mobile home community there shall be located the office of the attendant or the person in charge of such community. A copy of the community license and this chapter shall be posted therein and the park register shall be kept in such office. I received some correspondence the other day concerning office hours for the people who manage the office so there's known hours at the office. I think that's something we can include in the site and operational plan review and address it in there. If it doesn't seem to be handled at that point we can come back and make it a law. But I'd much rather have it be a condition of the ability of the operation of the park in order to maintain their license rather than something that we would take somebody to court over.

Rental agreement requirements, every rental agreement shall be in writing. No verbal agreements. The initial and each succeeding rental agreement shall be for a term of no less than one year. Rent and other charges under the rental agreement may not be increased during the

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term of the rental. There are some other things we have in here that aren't up on the screen. We want the rules and regulations to be included and attached to the rental agreement, the approximate size of the site and its location in the community so that there's no issues later on. We have no community operator may restrict the type of material used for manufactured/mobile home steps or the type of air conditioning used. No community operator may require the removal of a permanently attached manufactured or mobile home towing tongue as condition of renting. It shall be unlawful to make as a condition of a new or renewed rental agreement the removal of any vehicles permitted under a previous rental agreement with the same tenant.

From a couple different communities we've heard that that's been a problem where somebody buys a vehicle, has it there, and reliance on the fact that they can park the vehicle there and then in order to get their lease renewed they've got to get rid of the vehicle that they bought, or they have a work vehicle to meet the requirements they're not able to bring the work vehicle in so they'd either have to quit their job or move or what have you. So this would eliminate that restriction.

Tie-in sale, separate or discriminatory charges. No operator shall require as a condition to the rental of any site the purchase of a manufactured home or mobile home from the operator of the park or any other dealer recommended by the park management. No operator shall represent that the purchase from the operator or anyone else will give the purchaser an advantage over others or continued occupancy of a site. And no operator shall discriminate or threaten to discriminate in rental charges or in any other respect against the tenant for the failure of the tenant to purchase a manufactured/ mobile home from the operator.

One of the issues that kind of swirls around is people will make an investment in a home and they want to be able to either sell it and have that dwelling go to the next user, or if there's an opportunity to move something else in, unless they deal with the owner of the park on what they're selling and what they have they're not able to do that. Under this ordinance that's considered a discriminatory action.

No tenant shall be required to relocated a manufactured/mobile home within a community during the term of the rental agreement unless there is a public emergency or some necessity that would require that and the ordinance provides provisions of how that would be handled.

Prohibit consideration of age of manufactured/mobile home. An operator may not deny a resident the opportunity to enter into or renew solely or in any part on the basis of the age of the manufactured/mobile home. What we're trying to accomplish with this is that if someone has a mobile home that's in good working condition, it's well kept but it's older, what we're striving to do here is give the people that live in a mobile home community the same rights as people who live in any other neighborhood. If they keep their home up and it's in good condition they shouldn't have to be required to renovate it or remodel it to a standard that's established by the park. If it's in good condition it's in good condition.

An operator may not require the removal of a manufactured/mobile home from a community solely or in part because it's an older mobile home. Not unlike we do with any other dwelling we

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don't require somebody to get rid of a house. The only time we really do that is if the house falls into disrepair and it needs to be razed.

It shall be considered a prohibited consideration of the age of a manufactured/mobile home to require a tenant to make alterations, modifications or improvements to a manufactured/mobile home as a condition of renewal of a lease or change in ownership. We're basically getting to the same thing. If it's in good working condition and they want to renew their lease and they're paying their bills they get to renew their lease and stay there.

It shall be considered a prohibited consideration of the age of a manufactured/mobile home to require a tenant to make alterations to a home that is older than five years when the mobile home is otherwise in good repair and in conformance with applicable government regulations and the manufactured/ mobile home is in compliance with the community rules and regulations in effect at the time the manufactured/mobile home originally entered the community. Not as of their last lease, but when that home came into the community if they're in compliance with that then they're in compliance.

Operator may not require the removal of a manufactured/mobile home from a community solely or in any part because of the ownership or occupancy. And this really kind of runs to the heart. If they don't like the person or they want someone there if they're abiding by the rules they get to stay there. If they're paying their lease and everything else is equal then it can't be used as a vehicle to remove somebody from a park.

It shall be considered a prohibited consideration of a change in ownership or occupancy of a manufactured/mobile home operator to require a tenant to make alterations, modifications or improvements to the manufactured/mobile home as a condition of permitting a manufactured/mobile home to remain in the community at the time of a change in ownership or occupancy, when the manufactured/mobile home is otherwise in good repair and it is in conformance with government regulations. So if someone has a mobile home that's older but it's in good repair and good condition, if they want to sell it the ownership can't say you can't sell it to someone who is willing to buy that home in good condition. You can sell it and then the next person if they can pass a credit check to make sure they can pay their bills they get to buy it. You can't use that as a way to kick that out of the community.

The sale of manufactured homes and transfer of tenancy. No operator may require any tenant to designate the operator or any person named by the operator as the agent for sale. The sale of manufactured homes is personal property and we tax it as such. But the people that have those should have the right to enter into the market to be able to have someone of their choosing who would want to sell their home and not be solely restricted to just the operator of the community.

No operator may solicit or receive any payment or other thing of value as a condition to the assignment or sublease of the rental agreement by a tenant or as a condition of the transfer of tenancy. No operator may sell for placement in the manufactured/mobile home community owned or operated by the operator any manufactured/mobile home purchased from a tenant who was prohibited from selling the home directly. In other words if the tenant wouldn't you sell it

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but he sells it and then it's placed there, if you can sell it you should have the opportunity to do that and not pay the fee for it.

No operator may refuse to rent a manufactured/mobile home site to the purchaser of the tenant's manufactured home. No operator may limit a tenant's ability to post on the tenant's manufactured/ mobile home or on a site on which the manufactured home is located a for sale sign or other advertisement. Initially it gets to be an issue in a couple of the parks where the people living in them are having a hard time getting their for sale signs out.

A couple things here that aren't on the screen as far as charges for utility services. The Village is requiring inasmuch as if the utility is being provided by the Village the people who receive those services have the opportunity to review the Village's rates. They receive notices of rate changes and hearings. If in fact that's not the case those rates have to be rationally based for the people who are using them.

For termination of tenancy, the operator shall provide the tenant with written notice setting forth the reason for such termination or refusal. No operator shall terminate a rental agreement or refused upon expiration of a lease to renew the lease or to enter into an agreement for reason that the tenant has reported a violation by the operator, the tenant is a member of a tenant's union or association, the operator wishes to make the site available to a person purchasing a manufactured/mobile home from them. Right now tenants in the communities are pretty much at risk from an operator who would use the rental agreement as a weapon to make sure that there's no complaints. If there are any complaints then they're removed. So this would take that away as a vehicle to deal with unruly tenants at least in the eyes of the ownership.

Prohibited practices, no operator shall make any false, deceptive or misleading representations to induce the sale or site rental to anyone. No operator shall require any tenant to make permanent improvements to their site. No operator shall enter a tenant's manufactured/mobile home without the tenant's permission.

We also have items in here regulating existing communities added onto by 1998. The Village retains the right for inspection and enforcement of all these items. One of the things that haven't changed because it's strictly structured by statute is the license and how the license is awarded to mobile home parks, how the monthly parking fee is determined by the Village. That is set forth by statutes and it does give the operator the opportunity by State law to keep part of the property taxes that are collected on the mobile homes if he's the one that's collecting them. So rather than people paying it directly to the Village they pay it to the park management then they keep I think it's 10 percent of the taxes.

John Steinbrink:

It's prescribed by law.

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Mike Pollocoff:

Yes, we don't have any control over that. And if operators do not abide by these the Village would have the authority to revoke or suspend the license which we would do, that would be the last thing we'd want to do because it could affect a lot of people that have . . . the license. At that point they'd be operating without a license and we'd take them to court for a civil forfeiture for fining whatever ordinance they violated. It would be my recommendation that this ordinance be adopted.

Steve Kumorkiewicz:

I move to adopt Ordinance 07-22.

Mike Serpe:

I'll second that with a comment. Mike, I commend you and whoever else is involved in doing something like this. I know the people living in these places go sometimes through a living hell. The question is I know the owners of mobile home parks have a lot, a lot of clout by State law because of the lobby efforts and everything else. Is anything here tonight going to infringe upon those rights that they have?

Mike Pollocoff:

Well, we're pushing the envelope a little bit with some of the prohibited activities. We've had legal counsel review the ordinance and some of the provisions in here, the non retribution and things like that, we didn't have in the local ordinance before but were available from a State standpoint. One of the problems is, and John can probably attest to it better than anybody else, you have an entire State with the number of mobile home parks that exist, and the number of people that are available to handle the complaints are really limited. So one of the things we're doing is we're saying that we're adopting a lot of the State statutes that govern mobile homes, and to the operators we're close by. We're within a phone call from the residents in the mobile home park and we're going to come out and enforce these provisions if you're violating them. Everybody is going to get their kick at the cat as far as due process and getting their chance to be heard, but it's not a reach to go to Madison anymore to get in line with everybody else. The municipality is going to take an aggressive stance on enforcing these.

We've kind of been doing a little bit of it over the last four or five months where there's been some problems there but we didn't really have any teeth in an ordinance that gave us the ability to do it. But they are a very aggressive group as far as the lobby goes.

Mike Serpe:

Are we kind of leaders in this area with this ordinance tonight?

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Mike Pollocoff:

Well around here, I mean right now Madison, Fitchburg and those other communities we're not really trail blazing but I guess in this area we are.

Mike Serpe:

That's good.

John Steinbrink:

Just an interesting story. I think I learned a lot visiting with the Westwood gals there, Liz and Jan. We covered railroad issues, we covered park issues and you learned a lot about what happens in a park and especially the struggle or the trials and tribulations when a park changes owners. This park has had three owners now. There was Kenny and John and now the new owners. Being a neighbor to the park I've kind of known them all. When we put this ordinance together with Mike and Jean and the input from basically the residents, we have the Westwood gentlemen here, too, I guess, there were meetings and everybody had input to this.

But when we had a proposed ordinance back in March we delivered it out to each home in the park so everybody could have a look at it. The gals kind of did the majority of the streets but they left two streets for Mike and I. Being Wisconsin in March the temperature was in the upper '80s and they gave us our bags of stuff to drop at each home and kind of looked at us and said do you have water or we don't think you're going to make it. I thought we were fine looking physical specimens but they had their doubts whether we could take care of our route, but we did it just to prove them wrong and nobody had to call rescue to pick us up so we were kind of proud of that. I think a lot of people put effort and time into this and put input in and I commend the park for their meetings and the turnout and the people and the questions raised. We even had Rocco out there talking assessments at meetings. There was a lot going on here, but I think we've come up with a product that's good. The issues that were issues to this park are not any different than the issues to a lot of the other parks, especially those parks with common owners. I received calls from a park in the City with issues on paying taxes and concerns the residents had there. But the important thing to remember is that lease is one of the most important things you enter into and what's in that lease and what you agree to and how that lease continues when owners change. I think this ordinance does something to address some of that.

We had a motion and a second. Any other discussion?

**KUMORKIEWICZ MOVED TO ADOPT ORDINANCE NO. 07-22 - ORDINANCE TO REPEAL AND RECREATE CHAPTER 221 OF THE MUNICIPAL CODE RELATING TO MANUFACTURED/MOBILE HOMES AND MANUFACTURED/MOBILE HOME COMMUNITIES; SECONDED BY SERPE; MOTION CARRIED 5-0.**

- E. Receive Plan Commission Recommendation and Consider Ord. #07-17 related to a Zoning Map Amendment to consider the requests of Marilyn J. Kasko of PDD LLC and PDD II LLC, Todd Battle of the Kenosha Area Business Alliance (KABA), Michael Pollocoff of the Community Development Authority of the Village of Pleasant Prairie, and Michael Pollocoff of the Village of Pleasant Prairie to amend the Village Zoning Map as a result of several wetland delineations completed by Hey & Associates, Inc. within the boundaries of Planned Development District No. 1 (Section 420-154 of the Village Zoning Ordinance) and considerations supporting the C-1 zoning designations identified in the ordinance creating Planned Development District No.1 (Section 420-154 of the Village Zoning Ordinance), which district is generally located west of I-94 and between County Trunk Highway "C" on the north and County Trunk Highway "Q" on the south in the Village of Pleasant Prairie and which district is known as "PDD-1".**

Jean Werbie:

Mr. President and members of the Board, Ordinance #07-17 is related to zoning map amendments that proposes to rezone several field delineated wetlands within the exterior boundaries of PDD-1 and some areas adjacent to those delineated wetlands; also an area of land within the exterior boundaries of PDD-1 immediately to the south of and adjacent to County Trunk Highway C; and finally proposed locations for certain storm water detention, retention and/or water quality ponds or basins and related improvements located within the exterior boundaries of PDD-1.

Hey & Associates completed a report entitled Abbott Campus Wetland Delineation Report. It was completed and dated December 28, 2006 which is a revision date. The wetland delineation project includes the entire 482 acre site of the PDD-1 property which is located west of I-94 between Highway C on the north and Highway Q on the south. The wetland study includes approximately 70 acres of land also in the Town of Bristol that is owned by Abbott, and a small .33 acre Wisconsin DOT property located on the south side of County Trunk Highway C.

According to the report, the wetlands were delineated by Rachael Lang of Hey & Associates on November 3, 21, 22 and 29 and December 27, 2005, and on February 10 and April 5, 2006. The wetland delineations resulted in 11 on-site wetland areas totaling 43.69 acres. In addition, two small wetlands were found on the site in the Town of Bristol.

The Wisconsin DNR, Army Corps of Engineers and SEWRPC concur on most of the delineations on the site. There were some delineations that were identified by SEWRPC actually that they believe to be wetlands and have not yet been field re-delineated or re-confirmed. So there is an agreement to disagree on some of those particular wetland areas. But for the ones that have been agreed upon, they have been identified and it is proposed that those areas be placed into the C-1 or the Lowland Resource Conservancy District. There is a series of tables that were concluded in the summary report that identify the precise location along with legal descriptions of these wetlands, the types and the dominant vegetation that was found. SEWRPC also provided some aerial photography to the Village where they identified some additional potential wetland areas which still do need to be verified one way or another in the future prior to this land being fully developed.

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So what you have before you is the PDD-1 zoning map, specifically those areas that have been identified as the C-1, both within the CA area as well as in the BA 1 and 2 and 3 areas. Those are all recommended to be rezoned in accordance with the ordinance that you have before you. There are a few wetlands that have been identified for filling, and those wetlands will be presented at a future date. They're scattered throughout the property. At this time those wetlands are not being rezoned but, again, will be presented for filling at a later date. The staff recommends approval of Ordinance 07-17 as presented.

**KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-17 TO AMEND THE VILLAGE ZONING MAP AS A RESULT OF SEVERAL WETLAND DELINEATIONS COMPLETED BY HEY & ASSOCIATES, INC. WITHIN THE BOUNDARIES OF PLANNED DEVELOPMENT DISTRICT NO. 1 (SECTION 420-154 OF THE VILLAGE ZONING ORDINANCE) AND CONSIDERATIONS SUPPORTING THE C-1 ZONING DESIGNATIONS IDENTIFIED IN THE ORDINANCE CREATING PLANNED DEVELOPMENT DISTRICT NO.1 (SECTION 420-154 OF THE VILLAGE ZONING ORDINANCE), WHICH DISTRICT IS GENERALLY LOCATED WEST OF I-94 AND BETWEEN COUNTY TRUNK HIGHWAY "C" ON THE NORTH AND COUNTY TRUNK HIGHWAY "Q" ON THE SOUTH IN THE VILLAGE OF PLEASANT PRAIRIE AND WHICH DISTRICT IS KNOWN AS "PDD-1"; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

- F. Receive Plan Commission Recommendation and Consider Resolution # 07-26 to support amendments to the Village Comprehensive Plan in conjunction with Planned Development District No. 1 (Section 420-154 of the Village Zoning Ordinance).**

Jean Werbie:

Mr. President and members of the Board, Resolution #07-26 is a resolution to support amendments to the Village's Comprehensive Plan that have already been considered and approved by the Village's Plan Commission. The specific amendments to the Comprehensive Land Use Plan change or reconfigure the Village's Comprehensive Land Use Plan to more accurately reflect the four different zoning sub-districts of PDD-1, namely the CA Sub-District, which is identified in the gray area; the BA-1 Sub-District, which is identified in red; the BA-2 is identified in red; and the BA-3 Sub-District which is identified in red. All three of those have been identified for commercial-related purposes. The secondary environmental corridor which has been field delineated is identified in green, and the isolated natural resource areas have been identified in the dark gray.

Again, the purpose of this update or resolution is to more accurately reflect the Comprehensive Land Use Plan to match the PDD-1 zoning that we have been working on over the last several months. The staff and the Village Plan Commission recommend approval of Resolution 07-26 subject to the information as set forth in the resolution.

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**YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION # 07-26 TO SUPPORT AMENDMENTS TO THE VILLAGE COMPREHENSIVE PLAN IN CONJUNCTION WITH PLANNED DEVELOPMENT DISTRICT NO. 1 (SECTION 420-154 OF THE VILLAGE ZONING ORDINANCE); SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

- G. Receive Plan Commission Recommendation and Consider Ord. #07-18 related to Zoning Text Amendments to amend Section 420-128 of the Village Zoning Ordinance generally pertaining to storm water detention, retention, and/or water quality ponds or basins and related improvements located within the C-1, Lowland Resource Conservancy District.**

Jean Werbie:

Mr. President and members of the Board, the zoning text amendment that you have before you have under Ordinance #07-18 reflects modifications to three sections of the ordinance. These modifications are to allow storm water detention, retention and/or water quality ponds or basins and related improvements and signage to be located outside of the State wetlands but within the C-1 District. Section 420-128 F. (6) is being deleted as a conditional use in the C-1 District. Section 420-128 D. (4) is being created as a principal use in the C-1 District. And Section 420-128 H. (1) is being amended in the C-1 District as outlined in the ordinance you have before you.

The Plan Commission held a public hearing and recommended approval of the ordinance as presented. The staff recommends approval as well.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND CONSIDER ORD. #07-18 RELATED TO ZONING TEXT AMENDMENTS TO AMEND SECTION 420-128 OF THE VILLAGE ZONING ORDINANCE GENERALLY PERTAINING TO STORM WATER DETENTION, RETENTION, AND/OR WATER QUALITY PONDS OR BASINS AND RELATED IMPROVEMENTS LOCATED WITHIN THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

- H. Receive Plan Commission Recommendation and Consider Ord. #07-19 related to Zoning Text Amendments to create Section 420-38D.(12) of the Village Zoning Ordinance providing a new performance standard.**

Jean Werbie:

Mr. President, in accordance with the PDD-1 that was adopted by the Village Board on April 2, 2007, there were some conditions of approval that were attached to the zoning text amendment and the map amendment. Some of those conditions had to do with modifications to the zoning ordinance as well as the land division ordinance. One of the changes that needed to be made to the zoning ordinance had to do with the Village's performance standard regulations.

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Pursuant to 420-38 of the Village zoning ordinance, the Village performance standards are designed to limit, restrict and prohibit the effects of those uses outside of their premises or district, and that these standard be imposed upon all parcel falling within the Village so as to protect the quality of the environment and the safety and health of the citizens of the Village and to alleviate and, where possible, to eliminated nuisances. It is the further intent of the Village that all structures, land, air and water shall hereafter, in addition to their use, site, shoreland and sanitary regulations, comply with the performance standards and all applicable standards set forth by the Wisconsin Department of Commerce, Wisconsin Department of Natural Resources and the Wisconsin Administrative Code.

Accordingly, the amendments that I'm going to read to you is what is being proposed to the zoning ordinance. Section 420-38D.(12) is created as a new performance standard which states: No use or activity shall discharge, emit or release any infectious substances or materials so to create a danger or hazard of infection, and no use or activity shall use, store, produce, handle, study, transport, or dispose of any infectious substances or materials so as to create a danger or hazard of infection. All uses and activities involving use, storage, production, handling, study, or disposal of any infectious substances or materials shall comply with all applicable state and federal statutes, regulations or other laws relating to such use, storage, product, handling, study, transportation or disposal, and shall be provided with and shall use state-of-the-art safety equipment and devices and state-of-the-art safety procedures which are used in the industry so as to ensure that there is no resulting danger or hazard of infection.

The Plan Commission and the staff recommend approval of zoning text amendment Ordinance #07-19 as presented and read.

Mike Serpe:

Jean, what if we approve a facility that discharges something that is deemed to be safe and a year later somebody says what they discharged is now hazardous.

Jean Werbie:

Then they could be found to be in violation of our performance standards if it affects the health, safety and welfare of the residents and the perimeter of their property and they would need to take steps to correct the disposal, handling, study. Depending on what they're doing, they would need to take steps to correct under this provision of the zoning ordinance.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION  
RECOMMENDATION AND ADOPT ORD. #07-19 RELATED TO ZONING TEXT  
AMENDMENTS TO CREATE SECTION 420-38D.(12) OF THE VILLAGE ZONING  
ORDINANCE PROVIDING A NEW PERFORMANCE STANDARD; SECONDED BY  
KUMORKIEWICZ; MOTION CARRIED 5-0.**

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**I. Receive Plan Commission Recommendation and Consider Ord. #07-20 related to Zoning Text Amendments to several sections of Chapter 395 of the Village Municipal Code of Ordinances, which is entitled Land Division and Development Control Ordinance.**

Jean Werbie:

Mr. President and members of the Board, Ordinance #07-20 relates to zoning text amendments to several sections of Chapter 395 of the Municipal Code which is entitled the Land Division and Development Control Ordinance. As mentioned previously, one of the conditions of the adoption of the PDD-1 ordinance for the Abbott property west of the Interstate and for uses centered on that healthcare and pharmaceutical campus was to make some modifications to the land division ordinance to accommodate that type of development.

On March 5, 2007 the Village Board of Trustees adopted Resolution 07-16 whereby part of that resolution was to initiate the process for these four different modifications: (a) to allow the creation of lots with no public street frontage as part of a unified and coordinated development within a planned development zoning district served by an approved system of private roads; (b) to clarify the applicability of certain portions thereof to development and development plans in absence of any land division; (c) to clarify the inclusion of site and operational plans approved by the Village Plan Commission or the Village Zoning Administrator in references therein to development plans; and (d) to facilitate the incorporation by reference of the requirements of portions thereof in the development agreement and in the site and operational plan approval process.

Pursuant to Chapter 395 of the Village Code the changes and the purpose is to regulate and control all land divisions and development, regulate and control residential, manufactured housing community, institutional, recreational, commercial and industrial development, to regulate and control the development of existing platted lots within the corporate limits of the Village, and to promote and protect the public health, safety and welfare.

I am not going to read through all of them, but in your packet there were 59 different amendments to Chapter 395 that are being proposed this evening whereby these amendments largely consist of inserting and/or striking words or phrases from the current land division ordinance language in order to accommodate these changes.

The staff and the Plan Commission recommend approval of these ordinance amendments and recommend that the Board also approve these amendments.

**KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-20 RELATED TO ZONING TEXT AMENDMENTS TO SEVERAL SECTIONS OF CHAPTER 395 OF THE VILLAGE MUNICIPAL CODE OF ORDINANCES, WHICH IS ENTITLED LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

- J. Receive Plan Commission Recommendation and Consider Ord. #07-21 related to Zoning Text Amendments to amend Section 420-56F. of the Village Zoning Ordinance, pertaining to site and operational plan decisions, and Section 420-57B.(1) of the Village Zoning Ordinance pertaining to general standards related to site and operational plan reviews and approvals. The proposed amendments intend to clarify the role of development agreements in the site and operational plan review and approval process.**

Jean Werbie:

Mr. President and members of the Board, on March 5, 2007, the Village Board adopted Resolution 07-06 whereby a portion of that resolution, specifically 1.(c), initiated the process to clarify the role of development agreements in the site and operational plan review and approval process. Therefore, in order to clarify the role of development agreements in the site and operational plan review and approval process, there needed to be an ordinance amendment to Section 420-56F. And Section 40-57B.(1) of the zoning ordinance.

Accordingly, the following amendments are being proposed to the Village zoning ordinance in the language as follows: Section 420-56 F. is amended to read: By inserting the first sentence thereof the Phrase “, and will comply with all applicable requirements of any development agreement entered into by and between the Village and the applicant(s) or the owner(s) of the real property involved in the application.” And then the language goes on to say that it relates to public and private improvements. It goes on to insert some other references so that it’s very clear that the PDD-1 development west of the Interstate does need to comply with all the requirements of the site and operational plan provisions.

Section 40-57 B.(1) was amended to specifically state that, again, it complies and is applicable to the requirements of any development entered into by and between the Village and either the applicants or the owners of the real property involved in the application between the Village ordinance requirements and to all other. So we wanted to make sure it was very clear that there are sections of the ordinance that are applicable even though there is no land division that is going to take place.

The staff and the Village Plan Commission recommend approval of Ordinance 07-21 relating to zoning text amendments to amend sections of the Village zoning ordinance.

**ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-21 RELATED TO ZONING TEXT AMENDMENTS TO AMEND SECTION 420-56F. OF THE VILLAGE ZONING ORDINANCE, PERTAINING TO SITE AND OPERATIONAL PLAN DECISIONS, AND SECTION 420-57B.(1) OF THE VILLAGE ZONING ORDINANCE PERTAINING TO GENERAL STANDARDS RELATED TO SITE AND OPERATIONAL PLAN REVIEWS AND APPROVALS. THE PROPOSED AMENDMENTS INTEND TO CLARIFY THE ROLE OF DEVELOPMENT AGREEMENTS IN THE SITE AND OPERATIONAL PLAN REVIEW AND APPROVAL PROCESS; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

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- K. Receive Plan Commission Recommendation and Consider the request of Chad Navis, Director of Industrial Development for Towne Investments, property owner, for a Certified Survey Map to re-divide Tax Parcel Number 92-4-122-272-0513, generally located on 108th Street, between 72nd Avenue and Green Bay Road, into two (2) parcels, which are each proposed to accommodate Towne Industrial speculative buildings.**

Jean Werbie:

Mr. President and members of the Board, the certified survey map that you have in front of you is for Tax Parcel Number 92-4-122-272-0513. The 8.27 acre undeveloped parent property has over 1,200 feet of frontage on 72<sup>nd</sup> Avenue and 108<sup>th</sup> Street and approximately 425 feet of frontage on Green Bay Road. The property is currently zoned M-1, Limited Manufacturing District. It requires lots to be a minimum of 10,000 square feet in area and 75 feet on a public road.

Specifically, they are requesting to subdivide the property into two lots, Lot 1 being 3.4 acres approximately with 712 feet of frontage on 72<sup>nd</sup> Avenue and 108<sup>th</sup> Street, and Lot 2 having 4.86 acres with 585.29 feet of frontage on 108<sup>th</sup> Street and 424.92 feet of frontage on Green Bay Road. Lot 2 will have no direct access to Highway 31. Their access will need to come off of the local 108<sup>th</sup> Street.

This is a project with respect to a site and operational plan that was before the Village Plan Commission at their last meeting. The Towne Industrial Development Group intends to construct two speculative buildings on these properties, and their site and operational plans are contingent upon receiving certified survey map approval from the Village Board.

The staff and the Plan Commission recommend approval subject to the comments and conditions as outlined in the staff memorandum.

Monica Yuhas:

Jean, question. Is there 20 percent open space with these lots because it did come up at the Plan Commission?

Jean Werbie:

That's one of the conditions to meet the Village ordinance requirements. I can't tell you that off the top of my head unless I go through.

John Steinbrink:

The debate was the fact that looking at the plan it did not look like there was 20 percent there.

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Jean Werbie:

Did Tom pull the site and operational plans?

Mike Pollocoff:

No.

Jean Werbie:

We can make that specifically as a condition, and I can pull the site and operational plans because that is a condition of approval.

John Steinbrink:

The confusion may have been the lot line, the buffering or berm.

Mike Pollocoff:

I think the other thing, too, is to make sure it's the 20 percent when there's an addition onto the site, when the parking lot gets bigger that it doesn't go into the open space. I'm not sure that the calculations--there's a percentage there but I didn't see any calculations when I looked at the plans.

Jean Werbie:

I'll have to talk to my staff. I don't know.

Mike Pollocoff:

Somebody made a motion on it.

John Steinbrink:

Chad couldn't quite answer that question at the time.

Jean Werbie:

Nobody has commented on that to me.

Mike Pollocoff:

They got a lot of comments but there wasn't a lot of answers.

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Steve Kumorkiewicz:

We can approve subject to.

Jean Werbie:

He was not able to attend this evening, so are you looking to table this so I can get these answers or approve it subject to me getting the successful answers?

Steve Kumorkiewicz:

Yes, subject to.

Mike Serpe:

Chad was confident that those figures were there but he said he would bring in proof to show us. He hasn't brought it in yet. Maybe he's not that confident anymore.

John Steinbrink:

So we'd approve subject to.

Jean Werbie:

He could have brought them in. I just have not spoken with my staff.

Steve Kumorkiewicz:

We've been dealing with Chad for years.

John Steinbrink:

The motion would then be to subject to.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CERTIFIED SURVEY MAP TO RE-DIVIDE TAX PARCEL NUMBER 92-4-122-272-0513, GENERALLY LOCATED ON 108TH STREET, BETWEEN 72ND AVENUE AND GREEN BAY ROAD, INTO TWO (2) PARCELS, WHICH ARE EACH PROPOSED TO ACCOMMODATE TOWNE INDUSTRIAL SPECULATIVE BUILDINGS, SUBJECT TO STAFF CONDITIONS INCLUDING PROOF THAT THE AMOUNT OF GREEN SPACE MEETS THE MINIMUM REQUIREMENTS AS SET FORTH IN THE ZONING ORDINANCE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

- L. Receive Plan Commission Recommendation and Review and consider Chapter V, "Inventory of Existing Utilities and Community Facilities," of the Multi-Jurisdictional Comprehensive Plan for Kenosha County.**

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Mike Pollocoff:

Before you start, Jean, I've even found some more stuff in here since the Plan Commission had it. What's the deadline on getting this in?

Jean Werbie:

We can submit at any time. Our policy has been we're trying to do it in the same month that the chapter goes before the County. But some communities are not approving any of the chapters until they're all submitted. So if you need to have a two week delay or continuance or tabling of this that would be fine.

Mike Pollocoff:

I'd recommend to the Board, as I went through it there's things that I found since I saw it at the Plan Commission and I'd like to get those changes highlighted in here so we can see what changes we're recommending and then bring that back to the Board in two weeks or a month.

John Steinbrink:

There's changes penciled in here. Those from the Planning Commission with the staff comments and Commissioners' comments.

Mike Pollocoff:

Given the stuff we've been working on, to be honest with you I'd like to have more time with this.

**SERPE MOVED TO TABLE CONSIDERATION OF CHAPTER V, "INVENTORY OF EXISTING UTILITIES AND COMMUNITY FACILITIES," OF THE MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR KENOSHA COUNTY; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**M. Consider a Development Agreement and related documents between Marilyn J. Kasko of PDD LLC and PDD II LLC; Todd Battle of the Kenosha Area Business Alliance (KABA); Michael Pollocoff of the Community Development Authority of the Village of Pleasant Prairie; and Michael Pollocoff of the Village of Pleasant Prairie; pertaining to the 482 acre property generally located west of I-94 and between County Trunk Highway "C" (CTH "C") on the north and County Trunk Highway "Q" (CTH Q") on the south further identified as PDD-1.**

John Steinbrink:

The request has been made to table this item.

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**SERPE MOVED TO TABLE ITEM M; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

- N. Consider the request of Kari Kittermaster, agent for Regency Hills-Creekside Crossing, LLC to withdraw their request for consideration of the Final Plat for Creekside Crossing Addition #1 and the CSM to dedicate 91st Street to Old Green Bay Road.**

Jean Werbie:

Mr. President and members of the Board, the petitioner, Kari Kittermaster, agent for Regency Hills-Creekside Crossing LLC, is requesting to withdraw their request for consideration of the final plat for Creekside Crossing Addition #1 and the CSM to dedicate 91<sup>st</sup>. As you remember, at one of the last Village Board meetings we did discuss that they were looking to withdraw the considerations of this plat and CSM and bring them back for consideration at the June meeting of the Village Board and then follow through with respect to the time frame. The staff memo outlines some of the variances that were considered by the Village Board and the process and the steps they were going to take in order to accomplish the development of the remainder of that subdivision and condo development.

So with that the staff recommends that the Village Board accept the withdrawal of the applications for the final plat for Creekside Crossing Addition #1, the CSM and the development agreement and related documents. Again, my understanding from their discussion with our staff is that these items will come back in early summer to the Village Board for consideration.

**YUHAS MOVED TO GRANT THE REQUEST OF KARI KITTERMMASTER, AGENT FOR REGENCY HILLS-CREEKSIDE CROSSING, LLC TO WITHDRAW THEIR REQUEST FOR CONSIDERATION OF THE FINAL PLAT FOR CREEKSIDE CROSSING ADDITION #1 AND THE CSM TO DEDICATE 91ST STREET TO OLD GREEN BAY ROAD; SECONDED BY SERPE; MOTION CARRIED 5-0.**

- O. Consider Addendum to Agreement with One Source Recycling, Inc. regarding recycling management.**

Mike Pollocoff:

Mr. President, we received a proposed amendment to our recycling agreement from One Source Recycling. They're proposing an addendum to our current contract that would pay the Village \$3 per ton for all recycling materials that they currently process. Currently they pick those items up at the Prange. Right now in our current agreement we just don't pay them to take it. Now they'll be paying us \$3 per ton to take it. They pay us \$3. With that money we'll be doing work out at the recycling site to make that drop off and collection to go faster, paving that area. They're paying us. They don't want us to go someplace else I would imagine.

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Steve Kumorkiewicz:

So we're doing good for them.

Mike Serpe:

I can't see a reason to deny this.

**SERPE MOVED TO APPROVE AN ADDENDUM TO THE AGREEMENT WITH ONE SOURCE RECYCLING, INC. REGARDING RECYCLING MANAGEMENT; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

**P. Consider Engineering Design Agreement for the abandonment of the 73-1 Sewer Treatment Plant.**

Mike Pollocoff:

Mr. President, this is an agreement between the Village of Pleasant Prairie and Bonestroo, Inc. to provide design services for the abandonment of the 73-1 treatment plan. This abandonment will involve construction of two lift stations and an extensive force main system. We'll be bringing waste water out of that plant and there will be a lift station that's constructed near the existing lift station at the treatment plan. Then another lift station will be constructed by the Springbrook Cemetery. And then that waste water will then be pumped north all the way to 165 and 64<sup>th</sup> Avenue. The reason we're working on this is this is part of our agreement with the State of Wisconsin to get Lake Michigan water, to abandon the wells that had radium in it, and we committed to abandoning our treatment plant by 2010.

73-1 is our more costly plant to operate, and it's the first one we want to abandon. The cost for this abandon is covered in TIF #2 as amended. One of the reasons we needed to abandon that plant and pay for it is because the south part of LakeView Corporate Park drains into that treatment plant. So that makes it TIF eligible and we're going to use that to pay for the abandonment rather than putting it into the sanitary sewer rates as an expense. So it will be a lot easier on the residents and the sewer utility customers to handle that. So design will get under way. We have a few easement acquisitions we have to make for this project and that will probably be the more time consuming thing involved in everything. So I'd recommend that the Village President and the Clerk be authorized to enter into this agreement with Bonestroo.

Mike Serpe:

What's the total cost, \$2 million?

Mike Pollocoff:

That's the estimate, yes.

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Mike Serpe:

And project completion will be when?

Mike Pollocoff:

2009. As soon as we complete this one we'll go to Sewer D and we have to have that one done before the end of 2010. Then we'll be out of the waste water treatment business and we'll be paying some real money for sewer rates.

Steve Kumorkiewicz:

To the City.

Mike Pollocoff:

Yes, all of our waste water will go to the City then.

Steve Kumorkiewicz:

We will need to renegotiate with them.

Mike Pollocoff:

We looked at some other engineers as we did this. Bonestroo came up with the most cost effective plan to get this thing laid out.

Mike Serpe:

Where is this company out of?

Mike Pollocoff:

Their headquarters are out of Minneapolis/St. Paul but they have a Milwaukee office.

Mike Serpe:

How do you pronounce that name?

Mike Pollocoff:

Bonestroo.

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**KUMORKIEWICZ MOVED TO APPROVE AN ENGINEERING DESIGN AGREEMENT FOR THE ABANDONMENT OF THE 73-1 SEWER TREATMENT PLANT WITH BONESTROO, INC. AS PRESENTED; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

**Q. Consider Request of Trustee Kumorkiewicz to reinstate publication of the Village newsletter.**

Mike Pollocoff:

Steve had mentioned that he felt that one of the avenues of communication that was lost to those residents was when we jettisoned the newsletter in the budget process. So I asked Ruth Otto, our IT Director who is in charge of the communications group we put together out of Prange, to come up with some numbers to do a modified newsletter that would be shorter, a little bit lighter and faster to assemble that would be one page front and back or at the most four pages, two pages front and back, to get that out. That number is in there. She has two options for a two page and four page format.

We could change and eliminate some of the expenses with this to do the mailing of the newsletter by eliminating the post card that we sent out for utilities right now. Put everything in an envelope and send it altogether so that would help on the postage cost. We're going to do that postage every month. That bill has so many little things on the back that it won't be long that there will be something else on it.

One of the other expenses with this is adding some personnel time. One of the problems we consistently had with the newsletter was getting people to get an article together and getting it in in a timely manner to get it out. So one of the things Ruth is proposing is taking an existing staff person and up them as part-time and bring them to full-time so we could get these things put together on a more frequent basis and have somebody that would be doing other things but making sure that we get the newsletter out on a timely basis.

One of the things I'm looking at is we've heard tonight and we've heard at other meetings some of the misconceptions about things that are going on, some of the things that might be based on rumors or what have you. We try not to spin it because I think people can detect spin, but just get factual information out. We've got some information issues that as a community aren't helpful. *The Sun* doesn't exist anymore. That was a good vehicle. At least they would print a press release that you gave them verbatim, and there were also some newsletters that went out with *The Sun*. We could actually get it into every home at a pretty decent fee. That doesn't exist anymore.

*Kenosha News* every article is editorialized. Anybody that has been reading it, the number of articles that are pretty clean on facts from front to start are limited. So I think if the Village wants to get information out it's going to have to be a three pronged effort. One is going to be the newsletter, and I'd recommend monthly. If we have to do four pages, and I would try to keep it on a two page format because the shorter it is I think the more likely people are going to read it. But if we have that much stuff going on we might have to go to four. Whatever goes on the newsletter should go up on the website as a PDF. Then those articles that translate themselves to

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production on Channel 25 we would have those put on Channel 25. It's the most we can do as far as communications as far as getting something to their homes if it's on their computer or on their TV or in their mail. Beyond that I think we have to get a little more creative and how much we want to have people come here and listen to us and have us listen to them to get more communication. That step needs to evolve a little bit more.

This is going to cost us something but I think in the budget we can afford it. Had we seen some of the things in the budget when we were preparing it we might not have sent it out as a cut. My recommendation would be, and I don't want to say from a budgetary standpoint we could say option two, but I think as a practical my goal would be to do option one with the two sided sheet more often than not. Any question. Ruth, do you have anything you want to add to this?

Mike Serpe:

I agree with you wholeheartedly. We have nobody we can rely on to help us get the word out except ourselves. The way the State is going now with this cable TV and AT&T Communication it looks like we're going to have to increase the franchise fee to five percent and that's another avenue I guess to get more information out. But I wish we would have never stopped the newsletter. I agree I think if we streamlined it and made it more specific to the issues that are happening in Pleasant Prairie non political I think we're going to be better off.

I've got a little note from a person that calls me all the time, Elaine Watts. She left me a note today. She said, Mike, congratulations on what happened in April and I think it's time you guys bring back the newsletter and just keep it generic and to the point. She said that would be great. Here we are and she didn't know what would be on this agenda I'm sure. I wholeheartedly agree with Steve's recommendation and I support that.

Steve Kumorkiewicz:

I'd like to make a comment on that. If we're going to send a monthly information, before we used to send one newsletter every three months and now we send it every month. So I don't know if we want to send an envelope type with the bill for the utilities inside. I think that we should clarify on the front that the utility bill is included. Some people might throw it away if it comes from the Village as junk. One of the reasons I requested this is if a citizen doesn't have access to the internet, to Channel 25, we can rely on this . . . so I think it's a good way to get it out to the community.

Mike Serpe:

\$18,000 is the annual cost?

Mike Pollocoff:

That's correct, in addition to what that person is already paid. They're part-time now so this gets them up to full-time.

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Mike Serpe:

When do you want to get this thing going?

Mike Pollocoff:

We can start now.

**KUMORKIEWICZ MOVED TO REINSTATE THE PUBLICATION OF A MONTHLY NEWSLETTER FOR THE VILLAGE; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**R. Consider Appointments to Commissions.**

Mike Pollocoff:

We're short one appointment term on Recreation for a regular member, and we need an alternate member. Alternates go for one year. We had a couple submissions by people who indicated to the Rec Director that they're interested, but if there's somebody else that you know that you want to put in we can put it on the website, too, and see if anybody is interested in being on the Commission. Before you is the Plan Commission. Jean has got those popped up there.

Mike Serpe:

We're just short on one Commission?

Mike Pollocoff:

Two.

(Inaudible)

Mike Serpe:

What are we looking for? A motion to approve the Commission appointments.

Mike Pollocoff:

If you want to go through the Commissions and see if you're okay with everybody on Plan, or unless you want to identify which ones you want to make additions to.

(Inaudible)

John Steinbrink:

So keep an open mind we need an alternate for a one year appointment for Park, and Recreation we need—

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Mike Pollocoff:

Recreation we need a full regular member and an alternate.

John Steinbrink:

We can act on the ones before us, though.

Mike Pollocoff:

Right, we can bring the ones that are vacant back.

John Steinbrink:

Do we have a motion for approval?

**YUHAS MOVED TO APPROVE THE FOLLOWING APPOINTMENTS TO THE RESPECTIVE COMMISSIONS LISTED:**

Plan Commission

Thomas Terwall	Term – May 1, 2010
Wayne Koessl	Term – May 1, 2010
Larry Zarletti	Term – May 1, 2010
Judith A. Juliana (Alt #1)	Term – May 1, 2008
Andrea Rode (Alt #2)	Term – May 1, 2008

Park Commission

Michaelene Day	Term – May 1, 2009
Glenn Christiansen	Term – May 1, 2009
William Mills	Term – May 1, 2009
Monica Yuhas	Term – May 1, 2009

\* Need Alternate for one year appointment

Recreation Commission

Resignations: Linda Godin and James Becker

Greg Scheppler	Term - May 1, 2009
Travis S. Laib	Term – May 1, 2009
John Skalbeck	Term – May 1, 2009

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Clyde Allen	Term - May 1, 2009 (Godin seat)
Dino Laurenzi (Alt. #1)	Term – May 1, 2008

\*Need additional regular member to complete Becker term to  
May 1, 2008 and alternate number 2 for a one year appointment.

Police & Fire Commission

Christine Guenther	Term – May 1, 2012
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Board of Appeals

Christine Genthner	Term – May 1, 2010
Bill Morris	Term – May 1, 2010

Board of Review

John Burke	Term – May 1, 2012
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School Commission

Monica Yuhas	Term – May 1, 2009
Patricia Molette	Term – May 1, 2009
Debbie Koessl	Term – May 1, 2009

Kenosha Area Convention and Visitor's Bureau

Michael Pollocoff	Term – May 1, 2010
Larry Nelson	Term – May 1, 2010

**SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**S. Receive Channel 25 Award of Excellence and Award of Achievement.**

Mike Pollocoff:

This is Ruth's.

Ruth Otto:

Mr. President and Board, Channel 25 was recognized on Friday, May 4<sup>th</sup>, for a number of entries. Wisconsin Association of PEG channels has a yearly award for all different types of categories. There are three different types of awards that you can receive. There would be a merit which is

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basically the bottom of them. There's an award of achievement or the award of excellence. Our channel received three awards. I thought it was two until I went there Friday.

On the category of documentary, this was for the Village of Pleasant Prairie video that actually sits on the website as well. I think some of those are on business cards. We won the award of achievement. Under the category of best series we won the award of achievement for the Inside Look and that's the police show that runs on Channel 25. That credit was given not only to Ryan Marquardt but also Detective Randy Miles who is a key producer of that series. That nice glass thing that we're passing around that's for the award of excellence. That was delivered to the Village for Channel 25 under government coverage for Keep It Clean, the Clean Water Utility video that we've run on our website and also on Channel 25.

Ryan Marquardt unfortunately wasn't able to stay to the end of the meeting, but I did at least want to mention this is due to, one, we have very talented people working for us here. Ryan Marquardt is our video technician, and Michelle LaFleur is our voice that you hear behind all that. But also it's due to the support of all the department heads of the Village and the Board. So this wouldn't have happened without them. I'd just like to bring that to your attention.

Mike Serpe:

Nice piece of work, Ruth. Thank you. We're going to have to build a trophy case.

Mike Pollocoff:

Have Michelle do up a website news release.

John Steinbrink:

The Keep It Clean was very informative. To a lot of folks it was very confusing and the options we had out there. People had no clue what all this was about. And when you watched that it was very self-explanatory. It had good examples and I think gave a lot of people insight with what we were doing with our program. I don't know if we received calls from other communities that wanted to use it?

Ruth Otto:

Actually we were approached by several communities at the dinner on Friday asking if they could have a copy of our deal because they're introducing a Clean Water Utility themselves.

One other comment I just wanted to make, too, we were competing against Cities like Madison and Milwaukee, large, large operations where they have a staff of 25 people with million dollar operations. Obviously we don't have that. We beat out a number of them in these categories, so that says a lot about the resourcefulness of our staff.

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Mike Serpe:

Might I offer a suggestion, that you draft up a news release and send it to the *Kenosha News*. I'm serious.

Ruth Otto:

I will.

Mike Pollocoff:

John and I received a letter from the publisher saying that he didn't think we should be in this business.

Mike Serpe:

Like they're going to do us a lot of favors.

John Steinbrink:

I think it's important for the residents to get a real picture of what's happening in the Village. Unfortunately in the last election there were a lot of people who went door to door really handing out some misinformation. They didn't do the Village or the residents any justice with their actions. And if we had to leave it up to the *Kenosha News* with the articles they print and the editorials they print and the no sign/no name letters they print, it's no wonder a lot of people get confused and wonder what's really happening in the Village. So any time we can present it in a format that's correct and self-explanatory such as we did here with the Clean Water we're doing everybody a favor here. People need to know what's going on and they need to know what's really going on in the Village and what the state of their Village is, what's new to be offered.

I commend the folks here because we really presented that even in our own newsletters, our production, everything here. Some of that was some of the best stuff I've ever seen and gives a true picture. They're the taxpayers. They're the people we work for, and it's kind of our report to them as to what's happening or what we're proposing as changes.

Steve Kumorkiewicz:

That can be in the first edition of our newsletter.

John Steinbrink:

Thank you, Ruth. And also congratulations.

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**T. Consent Agenda**

- 1) **Approve a Letter of Credit Reduction for Meadowdale Estates Addition #1 Subdivision.**
- 2) **Approve a Letter of Credit Reduction for the Ashbury Creek Subdivision.**
- 3) **Approve bartender license applications on file.**

**SERPE MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3 AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

Mike Serpe:

One last comment. Welcome to the Board. It feels good to be able to laugh a little bit at the Board meetings and have some fun.

**11. ADJOURNMENT**

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY ALLEN; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 10:20 P.M.**