PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39th AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
SEPTEMBER 10, 2012

AGENDA

1. Call to Order.
2. Roll Call.
4. Correspondence.
5. Citizen Comments.

A. **PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-11 FOR AMENDMENTS TO THE COMPREHENSIVE PLAN** for the request of Adam Artz P.E. of Pinnacle Engineering on behalf of Majestic Realty Co., for land owned by WISPARK LLC that is generally located on the east side of 88th Avenue and south of Bain Station Road for the development of a proposed warehouse distribution building: 1) to amend the Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 to change the low-medium density residential land use designation and the Park, Recreation and Other Open Space Lands (not within any wetlands or 100 year floodplain designation) to the Industrial Land Use designation with a General Industrial category and removal of the Urban Reserve Area; and update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan to include said amendment and 2) to amend a portion of the Pleasant Farms Neighborhood Plan to remove the residential single family lots adjacent to the cemetery, to allow the entire property to develop as Industrial (except for field delineated wetlands and the 100-year floodplain) and to amend the proposed layout of proposed roadways within and adjacent to the property.

B. **PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN** for the request of Adam Artz P.E. of Pinnacle Engineering on behalf of Majestic Realty Co., for land owned by WISPARK LLC that is generally located on the east side of 88th Avenue and south of Bain Station Road for the development of a proposed 1.2 million square foot warehouse/distribution facility building to be known as Majestic Center.

C. **PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT** for the request of Adam Artz P.E. of Pinnacle Engineering on behalf of Majestic Realty Co., for land owned by WISPARK LLC that is generally located on the east side of 88th Avenue and south of Bain Station Road to rezone a portion of the property that is zoned A-2, General Agricultural District into the M-2, General Manufacturing District.
D. **PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-12 FOR AMENDMENTS TO THE COMPREHENSIVE PLAN:** to consider the adoption of the Amendment to the Regional Water Quality Management Plan Greater Kenosha Area adopted by the Southeastern Wisconsin Regional Planning Commission in June 2012 as a component of the Village’s Comprehensive Plan and to create Section 390-6 F to specifically list this Plan as a component of the Village’s Comprehensive Plan. In addition, to add a notation to the following Maps within the Comprehensive Plan to reference the adoption of said amendment: 1) Map 5.1 entitled “2010 Pleasant Prairie Sewer Utility District and Lake Michigan Sewer Utility District Boundaries”; 2) Map 5.2 entitled “Detailed Adopted Sanitary Sewer Service Areas within the Pleasant Prairie Sewer Utility District”; and 3) Map 5.3 entitled “Generalized Adopted Sanitary Sewer Service Areas and Existing Areas Served by Sewer”.

E. **PUBLIC HEARING AND CONSIDERATION OF AN AMENDMENT TO CONDITIONAL USE PERMIT #12-05 (including Site and Operational plans)** for the request of William Faber, agent for Skyfield Partners, LLC, agent, representing AT&T Mobility for the approval of an amendment to **Conditional Use Permit #12-05 including Site and Operational Plans** to include the installation of an additional microwave dish antenna to be mounted on the existing tower at 140 feet as part of the antennas upgrade of the existing cell tower located at 8851 Green Bay Road on property owned by Uttech Tower Land LLC, as approved by the Plan Commission on June 11, 2012.

F. Consider the **discontinuance** of a portion of 120th Avenue (West Frontage Road) north of 104th Street which has been relocated as a part of the IH-94 reconstruction.

G. Consider approval of the **Certified Survey Map** for KABA Development LLC, owner, to dedicate a portion of 120th Avenue (West Frontage Road) north of 104th Street which was relocated as a part of the IH-94 reconstruction.

7. Adjourn.

It is possible that members and possibly a quorum of members of other governmental bodies of the municipality may be in attendance in the above stated meeting to gather information; no action will be taken by any other governmental body except the governing body noticed above.

**The Village Hall is handicapped accessible. If you have other special needs, please contact the Village Clerk, 9915 39th Avenue, Pleasant Prairie, WI (262) 694-1400.**
A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on August 13, 2012. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Andrea Rode (Alternate #2); Jim Bandura; John Braig; and Judy Juliana (Alternate #1). Wayne Koessl and Larry Zarletti were excused. Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie-Harris, Community Development Director and Peggy Herrick, Assistant Zoning Administrator.

1. CALL TO ORDER.

2. ROLL CALL.


John Braig:

Move approval as presented in written form.

Judy Juliana:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY JUDY JULIANA TO APPROVE THE MINUTES OF THE JULY 9TH AND JULY 16, 2012 PLAN COMMISSION MEETINGS AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

4. CORRESPONDENCE.

5. CITIZEN COMMENTS
Tom Terwall:

If you’re here for an item that appears on the agenda as a matter for public hearing, we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as a part of the official record. However, if you’re here to raise an issue that is either not a matter for public hearing or is not on the agenda now would be your opportunity to speak. We ask that you step to the microphone and begin with your name and address. Anybody wishing to speak under citizens’ comments?

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-09 FOR AMENDMENT #4 TO TAX INCREMENT DISTRICT #2 (TID 2) related to: proposed amendments to the TID 2 Project Plan, including changes to the TID 2 boundary (through both additions and subtractions of parcels); revisions to project expenses to complete infrastructure improvements; the provision of financial incentives for development of industry (which may include cash grants to owners, lessees or developers of land within TID 2); and the acquisition of properties that are required for public improvements.

Tom Shircel:

Mr. Chairman, I’ll take this item. Thank you. This is a public hearing and consideration of Plan Commission Resolution #12-09 for amendment to Tax Increment District #2 and this would be amendment #4. I’m going to go ahead and give a brief back and description of the project plan for you.

The Village is initiating an amendment to Tax Increment District #2 hereby known as TID 2. This 4th amendment is a project plan amendment that includes both addition and subtraction of territory to TID 2. There are some proposed changes obviously to TID 2 with both additions and subtractions of parcels to the boundary, revisions to project expenses to complete infrastructure improvements, provisions of financial incentives for development of industry which may include grants to owners, lessees or developers of land within the district, and finally acquisition of properties that are required for public improvements.

Through the years there have been some amendments to TID 32. Amendment #1 was in 2002. It provided the Community Development Authority with the resources to identify, acquire and redevelop blighted properties along I-94. This amendment included the merging of land adjacent to I-94 that was originally developed as TID 3.

Then in 2004 there was a second amendment. That allowed the Village to install broadband infrastructure within TID 2 for the provision of the next generation of technical infrastructure improvements for existing and future development. And amendment #3 in 2008 provided funding for site development and utilities for the then 200 acre Uline corporate campus.

TID 2 encompasses the I-94 and the 165/Q interchange. At this location, the Village of Pleasant Prairie has been able to provide an economic environment that is poised to create well over 13,000 well-paying jobs where none previously existed. The Village has established a modern
retail center, that being the Premium Outlets Mall, which employs over 1,000 persons and is a significant source of sales tax revenue to the State of Wisconsin. West of I-94, the Village created a property tax base of over $2 billion dollars on land that was formerly occupied by adult bookstores, junk yards, fireworks stands, and a hodge-podge residential development that was valued at less than $15 million dollars.

The recent Uline annexation west of I-94 requires adjustments to the boundaries of TID 2 in order to continue to enable the orderly development of the Uline corporate campus. The proposed revision of TID 2 project expenses will allow for necessary and critical infrastructure improvements and land acquisitions and in order keep current and proposed development proposals on track. The Village needs the flexibility to ensure that businesses relocating and locating in the Village that the district can be modified in order to facilitate new construction.

The Village of Pleasant Prairie has established a credible history of creating successful TIF districts in the past that have created over 8,000 new jobs, nearly one half billion dollars in new value, and substantial commercial and residential spin-off that have kept the Village and Kenosha County economy robust and vital.

TID 2 financing, the financing for TID 2 projects, in the form of general obligation bonds, will be issued in the years that projects are undertaken. Debt for the TID will be repaid with property taxes from businesses within the district. Once all of the debt for the TID has been repaid, the district will be retired, and the property tax payments will then be directed back again to the taxing entities. It is expected that TID 2 will be retired somewhere around 2021 or earlier, depending upon the success of the development within the TID.

There is a specific statute that applies to Pleasant Prairie, and I’ll go through that. On July 29, 2011, Governor Walker signed into law a bill enabling the Village to increase the value of the existing TID beyond 12 percent of the Village’s equalized value of taxable property in the entire Village. And this is known as the 12 percent limit. The new TIF law specific to the Village will allow the value of TID 2 to exceed the 12 percent limit by allowing the value of TID 2 to be up to 1.32 times or 33 percent of equalized assessed value of the entire Village. Again, that’s rather than 12 percent so, again, it’s specific to the Village of Pleasant Prairie, this law.

The new law will allow the Village to enhance the financial effectiveness of the TID. With the proposed amendment #4 that we’re reviewing this evening the value of TID will be approximately 16.6 percent of the total equalized assessed value of the taxable property within the entire Village. Then, again, we’ll be within that 33 percent obviously limit.

The map in front of you you see on the PowerPoint shows the properties to be added which are in green and subtracted which are in red. So you can see the largest portion that we’re proposing to take out of the TID District is a large portion of Prairie Springs Park there in the red. And that’s somewhere near 500 or 400 acres. And then the green portions are to be added, and you’ll see that some of the major ones, if I can use the laser pointer, this is the Uline property that was annexed a couple years ago on the very west side, the 35 acres. The Ries property, some properties within the LakeView Corporate Park East, Iris, some land down here that’s south of 116, and then there’s this long stretch that will stretch out almost to 39th Avenue, sort of an umbilical cord, that will enable some improvements to 39th Avenue which I can speak to later.
Some reasons for amending TID #2 is to update financial estimates to complete infrastructure improvements; secondly create changes to the TID 2 boundaries which I just showed you the map; thirdly revise project expenses to complete infrastructure improvements, that being roads and storm sewers, sanitary sewer, water, site grading, storm water management; four, provide financial incentives for the development of industry and creation of quality, family-sustaining jobs; five acquire land and easements for public improvements, essentially transportation and storm water; and finally to accommodate the proposed expansion of the Uline corporate campus.

This is also in your packets and shown on your Power Point, this is a project cost summary. Again, it shows the project as of this year, 2012, and 2008, the second column, the last time the project was amended. And then it shows the difference. And if you go to the very last row there the total for all projects. So the total expenses are $94 million approximately, and the project expenses for this proposed amendment #4 in the bottom right hand corner is just over $15 million.

The proposed total project cost, as I said, has increased by over $15 million. The new project cost of $15 million is comprised of approximately $6.8 million for roadway improvements; $6 million for Uline site improvements, $3.1 million for sewer, water and storm water improvements, $1.7 million for a multi-modal transportation facility, $1.3 million for economic development incentives, and $1.3 million in land acquisition, administrative and other costs. So the new project cost as you saw in the previous slide is an estimate $94.2 million, that’s for the entire TID. Without the use of TIF funding the proposed amendment #4 development projects would not occur.

Now I’ll get into some specific projects for the TID amendment #4.

First is Uline. In 2010, Uline, Inc. relocated its corporate headquarters from Waukegan, Illinois to a new approximate 200 acre site here in Pleasant Prairie. Uline is the leading distributor of shipping, industrial and packing materials throughout North America and worldwide. The existing Phase 1 of the Uline corporate campus consists of the two-story, 200,000 square foot corporate headquarters and a 1 million square foot warehouse/distribution center. Uline’s corporate campus currently employs an estimated 800 positions, with 600 positions in the office and 200 positions in the current warehouse.

On October 18, 2010, the Village Board of Trustees adopted Land Ordinance #1 which transferred approximately 35 acres from land owned by Route 165 LLC which is Uline and the Charles and Bobette Eichberger Family Trust from the Village of Bristol into Pleasant Prairie. And that’s that extreme western portion that was annexed a couple years ago, this portion right in here.

In 2013, Uline plans to develop the annexed 35 acres with an approximate 1.25 million square foot warehouse/distribution facility to be located immediately west of the existing 1 million square foot warehouse, so that’s shown in the yellow on the PowerPoint. The new warehouse/distribution facility will further contribute to the success of the TID and expansion of the District’s tax base. Similar to the initial warehouse/distribution building, this second warehouse center will be constructed with precast concrete panels, at approximately 37 feet in height. Uline anticipates the second warehouse will employ 400 persons when fully operational.
The required infrastructure improvements associated with the construction of the second warehouse will involve an expenditure of approximately just over $6 million. The improvements include on-site storm water facilities, a fire loop around the building, mass grading, parking and maneuvering lanes, water, sanitary sewer, landscaping and other on-site improvements.

The Project Plan for amendment #3 to TID 2 also proposed the relocation of a 345kV overhead electric transmission power lines which estimated at just over $4 million was that cost, and also the relocation of an underground natural gas line which that cost is estimated at $700,000. The relocation of the electric and gas lines were to allow the full, unimpeaded development of the Uline property, but those utilities will no longer be relocated, and that will remove $5,225 million from the district cost. So to sum that up there are some electric and natural gas lines that run through here, and the old project plan had the cost of over $5 million to relocate those, and those are now being taken out of the plan.

Secondly, a second project is a multi-modal transportation facility. The Village, in cooperation with the Wisconsin DOT, is planning for the development of a multi-modal transportation facility to include commercial retail building components to be located in the vicinity of the RecPlex. Initial concept plans for the facility provide approximately 290 parking spaces that will serve the purpose of providing parking for commuters, retail establishment customers and for overflow parking of the RecPlex. Here’s some views on the PowerPoint, one looking north from 165 where this proposed multi-modal transportation lot is supposed to be. And the second on the right is looking to the southeast from the main entrance to the RecPlex. It is anticipated that the development of the Multi-Modal Transportation facility will involve an expenditure of approximately $1.678 million.

The next project proposed is 39th Avenue reconstruction. 39th Avenue is proposed to be reconstructed to an urban profile, that’s with curb and gutter, a two-lane roadway with a median, bicycle lanes and parallel parking between 104th Street and 97th Street. In the shot on the PowerPoint you can see it’s just in front of the Village Hall looking northwards towards the intersection of Springbrook Road.

The improvements to 39th Avenue, an arterial roadway, will serve the proposed Village Green Center generally located within the demographic center of the Village at 104th Street, Springbrook Road and 39th Avenue. The Village Green Center is a planned, but yet-to-be-constructed, mixed-use commercial/residential development incorporating not only commercial, civic and park uses, but also a variety of higher density residential uses. This improvement will provide the foundation for the necessary infrastructure to start commercial development, by a private developer, in the geographic center of the Village.

It is anticipated that the necessary funding for the reconstruction of 39th Avenue, which includes engineering fees, right-of-way acquisition, property acquisition for two storm water facilities, sanitary sewer, water main, storm sewer mains, roadway, traffic signals, landscaping, irrigation, street lighting and the relocation of some overhead utility lines between 39th Avenue and 100th Street, northwards to Springbrook Road, will involve an expenditure of approximately $3.45 million.

And up on the slide now is a proposed cross-section of the widened 39th Avenue. You can see it has a 20 foot wide median down the middle, and then 12 foot driving lanes and a 5 foot bike lane.
And then outside of that is an 8 foot parallel parking lane, and then 2.5 feet for curb and gutter and a 19 foot wide landscaped terrace. And then on the outside is a 5 foot wide sidewalk. And then on the slide you see before you now shows potential right of way acquisition, and it might be somewhat hard to see, but if you see in the lighter yellow-greenish color and the red color are proposed potential property acquisitions for the proposed widening of 39th Avenue.

The next project is the Lakeview reservoir water main extension. In order to provide an additional water supply to the existing five million gallon storage facility located at 39th Street and Dabbs Farm Drive, it is necessary to construct a 24-inch water main along Old Green Bay Road, from 104th Street north to the reservoir. This improvement will cost approximately $1,555,000.

The next proposed project is site preparation for the Kenosha Area Business Alliance or KABA property. KABA Development LLC is the owner of an approximate 30 acre parcel located in the northwest quadrant of I-94, bounded by County Trunk Highway on the south and the West Frontage Road on the west. In anticipation of the development of this KABA-owned site, it is necessary to grade and remove the pavement from the vacated portion of the former West Frontage roadway. These improvements will involve an expenditure of approximately $550,000. So on the slide in front of you can see that’s the old soon to be vacated frontage road that ran through this former 20 acre property which is now a 30 acre property. So there’s a new frontage road you can see way in the upper left hand corner of the slide. You can see the new frontage road in the upper left hand corner. So the site will be graded and the pavement removed as part of this project.

The next proposed project is the State Trunk Highway 165 and County Trunk Highway H intersection improvements. The intersection of State Trunk Highway 165 and County Trunk Highway H located in the heart of the LakeView East Corporate Park is a signalized intersection that carries a large amount and vast majority of semi-truck and semi-trailer traffic and automobile traffic that travels in and through the Corporate Park. This intersection has seen an increase in traffic accidents and has become a problematic intersection. Most accidents are mainly associated with left turn movements from north and southbound CTH H or 88th Avenue to east- and westbound 165 or 104th Street. The increase in safety at this intersection would be through added capacity, improved geometrics and traffic signal upgrades which will cost approximately $100,000.

The next proposed project in the amended plan is 97th Street improvements also known as Abbott Road B off the West Frontage Road. Abbott Lab owns approximately 485 acres of undeveloped on the west side of I-94, between Highway C on the north and Highway Q on the south. In anticipation of potential development of this land, or a portion thereof, 97th Street extending west from the West Frontage Road would serve as a main entrance to this future corporate campus area that will potentially create an employment base of around 13,000 persons. The 97th Street roadway improvements will cost approximately $392,000.

The next proposed project plan are public works projects. The following infrastructure improvements to the municipal sanitary sewer and water utilities will accommodate additional demands on systems totaling approximately $115,000. And those would be booster station motor control improvements at Booster Station #1 at Sheridan Road and 104th Street; telemetry improvements for west end businesses which would cost approximately $10,000; force main
valve work on State Trunk Highway 165 lift station; and finally force main discharge vault reconstruction, and that would cost approximately $25,000.

So that’s a brief description of the proposed project plans and their costs involved in amendment #4. And there are a series of ten maps that you also have on your computers. I’m not going to go through all those maps. I can if you’d like me to. I’ll go through them quickly. Before you is map 1. We saw this one earlier. It’s proposed additions and subtractions properties to the TID boundary. Again, the red are subtractions, the green are additions.

Map 2 are boundaries and wetlands. The wetlands have not changed since 2008 since the last TID amendment. Map 3 are existing uses. This map just shows the current use of each parcel within the amendment 4 TID 2 boundary. Map 4 is grading and infrastructure. Some of the highlights here if you see on the west side in the yellow are, again, the KABA portion at the northwest quadrant of I-94 and Highway Q which I spoke about and, of course, that L-shaped piece way on the left side, on the west side, is that Uline 35 acre annexation piece.

Map 5 is existing sewer and water. Again, this has changed slightly obviously. You see the new water – I’m sorry, this map 6, proposed sewer and water, you can see the blue line along Old Green Bay Road right in this area here. That’s the project going from 104th on the south up to 93rd Street on the north for the 24 inch water main. That’s the main project there. There’s still a piece of water main here along H that needs to be put in pursuant to the old 2008 amendment. And, of course, you see all the infrastructure work that’s proposed for the Abbott Land west of I-94.

Map 7 shows existing zoning. Again, the gray color is industrial manufacturing, the red gets into retail, green area is conservancy and so on and so forth. And the proposed zoning is the same as you see on map 8 as map 7. We’re not proposing any new zoning amendments with this amendment number 4. Map 9 is existing land use taken from the Comprehensive plan. Again, gray industrial manufacturing, red commercial, blue is the institutional at the southeast quadrant of I-94 and 104th Street. Green areas are conservancy areas. Once again, you’ll see map 9 and I’ll go over to map 10, proposed land use, there are no changes in land use. Both those maps are exactly the same.

And, of course, before you tonight is Resolution 12-9. That’s for amendment #4 to TID #2 to send a favorable recommendation to the Village Board to approve the amendment. And, of course, it’s also for the Plan Commission to approve Resolution 12-9. And if you have any questions I’d be happy to answer them.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Mr. Ryzak?

Gale Ryczek:

Gale Ryczek, 21531 81st Street, Bristol, Wisconsin. I’m District Administrator of Bristol School. My concern is, I sat on the first TID committees we had a long time ago, and certainly strayed from the original 1,000 acres that were there. I need to speak to our public because we’re looking
to putting an addition on our school. And it was like 2/17 or 2/18 when it was going to be finished. I guess what I’m most concerned about is Uline. If Uline comes on line it means a lot to the taxpayers in Bristol because it’s 20 to 25 percent of the value of the present equalized assessed valuation of our district right now. So if this continues to get pushed out and out and out I can’t in good faith tell them that we’re ever going to get anything. Because I have it set up if we put the addition on I’ll have it paid before this gets retired and shortly after I retire. I guess that’s my comment. That’s my comment.

I have to rush off to another meeting, so I just want to let you know that’s our concern. I guess I would like to get a copy of that. You can probably just email that to me. I talk to Mike every once in a while, so I try to keep in touch with Pleasant Prairie and Kenosha to see what they’re doing. It does affect us and it affects a lot of people out there. Actually a lot of those people are in Kenosha, they’re in Strawberry Creek. So keep up doing the good work here. Maybe just take Uline out of that and put it in our school district. It does lie in our school district.

Tom Terwall:

I understand. Thank you very much. Anybody else? Anybody else wishing to speak? Hearing none, I’ll open it up to comments from Commissioners and staff. Don, you were first.

Don Hackbarth:

The 39th Avenue project is Gordy’s is going to be gone?

Mike Pollocoff:

I tend to think not, but we really can’t start the design of this until the TIF is approved.

Don Hackbarth:

Because the right of way looks like it’s going right through his –

Mike Pollocoff:

I think we have to look at that.

Don Hackbarth:

The other thing, the electric lines they’re going to be going underground?

Mike Pollocoff:

Yeah, we’ll be burying. Again, when you look at where the proposed relocation is we can’t put those between the relocation and the Village Hall because we’d be right on top of the Village Hall. So we’d be burying. For the uses that are along that east side of the road we’ll be burying the lines.
Don Hackbarth:

Do you know why they didn’t bury the lines along 165 when they rebuilt the roadway?

Mike Pollocoff:

Because the State usually won’t do that just as a matter of policy. They’d much prefer to have the utilities relocate the power lines out of the roadway or out of the right of way or have them acquire easements. It’s just a matter of how they do it.

Don Hackbarth:

And then 165 and H the redesign of the intersection, why isn’t that a roundabout?

Mike Pollocoff:

It actually could be. And I think that if the State – this is one of those projects where it’s a little aggravating because it’s a State highway and a County highway, and neither one of those agencies is addressing the problem there so we’re looking to having the Village do it. I think if there was some State money that was going in there they would be required to do a roundabout analysis.

Don Hackbarth:

The reason I say that is because Saturday night there was an accident on 165 and Sheridan and I responded to it. And I was talking to the police officer there and I asked him about the roundabouts, accident rates, and he said they’re way, way down, they’re way down compared to what they were before.

Mike Pollocoff:

And this intersection here it could function just like the roundabouts we have now, they’re all double lane roundabouts.

Don Hackbarth:

The only problem I see with the roundabout we’ve got is at five o’clock when people are going through it they chase each down the roadway. It’s not the speed limit. There’s a drag race to be the first to the next roundabout.

John Braig:

The addition of the Uline warehouse is that going to be a third warehouse, or is it going to replace the one that’s east of I-94?
Tom Shircel:

That would be the second warehouse on the Uline campus. So they have the existing just under one million square foot, and this is a proposed 1.25.

Mike Pollocoff:

But they’ll keep the one on H.

John Braig:

They’ll keep the one on H.

Tom Shircel:

Right.

John Braig:

Thank you.

Michael Serpe:

Tom, 39th Avenue reconstruction, is that going to be one lane each way with the median and a bike path and a parking lane?

Tom Shircel:

Yes, if you look at the slide on the wall right now you see you’ve got two –

Michael Serpe:

And the reason I’m asking Tom is –

Tom Shircel:

Here’s one lane northbound and southbound.

Michael Serpe:

I understand. If Village Green develops the way we anticipate it to develop and the amount of housing that’s going to go to the west of Village Green, is that going to be an adequate enough road to handle that much more residents?

Tom Shircel:

The total right of way width, as you can see, is 130 feet from east to west. Mike Spence, do you want to explain this?
Mike Spence:

Mike Spence, 9915 39th Avenue. We did a capacity study, and the engineer looked at all the proposed developed including Village Green, and they could not justify two travel lanes in each direction. So what we’ve done to sort of hedge our bets, because we wouldn’t be able to get any funding for that because it wasn’t an approved capacity, so what we’re looking at in our cross-section is if you look at on the edges we have a rather wide terrace. So it would be our intent to have that as a safety area. If we ever did have to add lanes we would have the right of way to do that.

Michael Serpe:

Okay, thanks, Mike.

Tom Terwall:

Anybody else?

Michael Serpe:

Another comments. I think we have to commend Mike on approaching the State in getting this TIF District redirected, and a good job on his part for doing it and whoever else helped out on that. I’m sure John had his share of input as well. I’d move approval of –

Tom Terwall:

I want two motions. First I need a motion to adopt Resolution 12-09.

Michael Serpe:

I’ll make that motion.

Tom Terwall:

Is there a second?

John Braig:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO ADOPT RESOLUTION 12-09 AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.
Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Now I need a motion to send a favorable recommendation to the Village Board to proceed with this project based on the adoption of our Resolution.

John Braig:

So moved.

Tom Terwall:

Is there a second?

Jim Bandura:

Second.

Tom Terwall:

Moved by John Braig and a second by Jim Bandura. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Mike?

Mike Pollocoff:

Just a comment on a couple things that don’t affect your vote. Mr. Ryczek’s concern that he’d like to have that tax base available for them to use, we’d like to have the tax base available for us to use as well. But it comes to the fundamental concept of a TIF. If we didn’t do this thing the development wouldn’t be there anyway. Right now they’re held harmless from any formula changes because we have this. But once the investment’s made there and the community in essence has banked those future tax savings, then it will be significant for both Bristol Elementary School as well as the Village of Pleasant Prairie who is providing the services. Right now they’re in a little bit luckier position because they don’t have to service any children from that development because there isn’t any kids there.
Tom Terwall:

As Gale pointed out this will be 25 percent of the total equalized value of the Village of Bristol, and there are no students.

John Braig:

Another way of putting it is it increases by one third.

Mike Pollocoff:

I think when you look at the significance of the Pleasant Prairie development over here, between Uline and Premium Outlets the value in those developments is equal to the entire Town of Brighton. It’s a major spot of economic development in Kenosha County. So this thing hopefully we’re looking at 2021 conservatively, hopefully we do better than that. It’s hard to visualize doing better given the economy we’re in right now, but we will do better.

Secondly, there’s no way we could have done this without the amendment of the law, and I really had very little to do with it other than coming up with the scheme. But the Village President and our Representative is the one that really helped get this thing or got it going on the legislature and got it done for us. Other than that we’d actually be done. We wouldn’t be doing any more TIFs at all. We’d have to be waiting for the housing market to get better. And all it does is it forces people to act in a way that isn’t contrary to stall his economic development.

Andrea Rode:

Mike, regarding the multi-modal transportation facility, it’s kind of exciting to think about an Amtrak stop. I’m surprised nobody started to discuss it because that is huge. That’s a huge development.

Mike Pollocoff:

It’s been something that Uline and Abbott and some other people have requested to be able to have a stop there. I know it was tried initially when WisPark was looking for a development. It was actually going to be where Lakeview Tech was. And we don’t have a plan for it other than we’ve done some initial groundwork to set that land aside. once the Governor and the US Department of Transportation start playing nice again on trains we’ll have a better chance for it to happen. But right it’s going to be deadlocked, but that doesn’t mean we shouldn’t do good planning and be ready to do that.

That whole site, RecPlex has become a multi-modal facility only because everybody uses the parking lots there to park as they go to Illinois. On a daily basis we’d have like 150 cars that are parking out there that are not using the facility to park, they’re using it as a park and ride. So we are looking to get a grant that Kenosha County has helped us get to get this thing started to be able to accommodate cars. We’re going to work on the train. That’s not going to happen right away but we’re going to start working on it diligently. Bus drop off and pick up. We’re going to try and get that stop for the airport runs to go from there as well as bikes so we can use it for as many things as possible. But I really think when you look at the metra proposal that existed,
here’s one where the train already does go to Milwaukee and Chicago, and you don’t have to put in more tracks or anything. It’s there in place, so we just have to get the political actors to play nice together.

Tom Terwall:

In our lifetime are you expecting to see that, Mike?

Mike Pollocoff:

My lifetime? I hope so. Who’s a younger person I can pick on here. To me it just makes too much sense and it’s right there.

Andrea Rode:

Yeah, good planning.

Tom Terwall:

We’ll move on to Item B. You want B and C to be considered together, Jean, is that correct?

Jean Werbie-Harris:

Yes, please.

Tom Terwall:

Can we have a motion to that effect.

John Braig:

So moved.

Michael Serpe:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO COMBINE ITEMS B AND C FOR ONE PUBLIC HEARING BUT TWO SEPARATE VOTES. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.
Tom Terwall:

Opposed?

B. PUBLIC HEARING AND CONSIDERATION ZONING TEXT AND ZONING MAP AMENDMENTS for the request of Jeffery Marlow, President of Lexington Homes Inc., to rezone the property located south of Prairie Ridge Blvd. between 91st and 94th Avenues and north of 80th Street in the Prairie Ridge Development from the R-9 (UHO), Multi-Family Residential District with an Urban Landholding Overlay District to the R-11 (PUD), Multi-Family Residential District with a Planned Unit Development Overlay District for the proposed development of 4-apartment buildings (176-apartments—including 72 efficiency units, 68-1 bedroom units and 36-2 bedroom units) and a clubhouse to be known as Cobblestone Creek and to create the specific PUD zoning regulations for this development.

C. Consider the request of Jeffery Marlow, President of Lexington Homes Inc., for approval of a Certified Survey Map, Development Agreement and related documents for the proposed Cobblestone Creek apartment development project located south of Prairie Ridge Blvd. between 91st and 94th Avenues and north of 80th Street in the Prairie Ridge Development.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, we have a public hearing and consideration of zoning text and zoning map amendments, and this is at the request of Jeff Marlow, President of Lexington Homes, and this is to rezone the property located south of Prairie Ridge Boulevard between 91st and 94th Avenues, north of 80th Street and south of Prairie Ridge Boulevard, and they are proposing to rezone from the R-9 (UHO), Multi-Family Residential District with a UHO, Urban Landholding Overlay District, to the R-11 (PUD). So it would be a Multi-Family District with a Planned Unit Development Overlay. Their request comes with a proposed development of four apartments buildings, 176 total apartments, and a clubhouse to be known as Cobblestone Creek. And, again, the PUD will address specific zoning regulation flexibility for the development.

The second part of their request of the approval of a certified survey map, development agreement and related documents. Again, this is for the Cobblestone Creek apartment development and the clubhouse on the referenced property.

Specifically, the petition is requesting the approval to subdivide a 9.79 acre property located south of Prairie Ridge Boulevard between 91st and 94th Avenues, north of 80th Street south of Prairie Ridge Boulevard into two properties for the Cobblestone apartment development. They are looking to rezone the properties from the R-9 (UHO), Multiple Family District with an Urban Landholding Overlay District to the R-11 (PUD), Multiple Family Residential District with a Planned Unit Development Overlay. Specifically we are going to be addressing the Planned Unit Development Overlay and the flexibility based on the defined community benefits that they are providing to us for this project this evening.
In addition, one of the conditions of the PUD is that they are going to be putting in a digital security imaging system, or a DSIS system, and this is a security system, and they’ll also be granting a blanket access easement to the Village. Specifically with respect to the DSIS this will be a system that is owned and operated by the developer or the owner of the property, and the Village will just have maintenance rights, the right but not the obligation, to go in and to assist them with that security system if, in fact, it’s not being addressed by the owners.

Cobblestone Creek will consist of two 40-unit two story buildings and two 48-unit three story buildings with a total of 176 units. As shown on the site plan on the screen, a total of 72 efficiency units, 68 one-bedroom units and 36 two-bedroom units. The development will be on 9.79 net acres with a density of 17.98 units per acre. In addition, in the center of the development there will be a clubhouse, and on either side of the clubhouse will be two ponds that include walking paths and a nice outdoor patio area, gathering space just south of the clubhouse. Parking will be accommodated primarily one space per unit in underground parking with the balance of the parking onsite in individual parking lots that are adjacent to each of the buildings.

The majority of the units will have front loaded washers and dryers. Units will have built in microwave, smooth top ranges, refrigerators. The rents that are anticipated with this project based on their market study will vary from the mid $600's for an efficiency apartment to over $1,100 for a two-bedroom apartment. This excludes heat and water. With respect to this project, the payment of the water will be accomplished by the Village sending one bill to the developer, and they will need to divide it up amongst the units and bill it separately to the individual user.

The 40-unit buildings are, again, two story with a variety of floor plans. And as I mentioned back in the spring, as identified in the staff comments, you can see that there’s quite a variety of different sizes of the units. Again, the smallest are the efficiencies at 448 square feet, very suitable for one person, and then the largest in that four-unit building goes up to almost 1,364 square feet. So quite a variety in the four-unit buildings. Also in the staff comments it talks about the 48-unit buildings. Again, there will be two of those. They will be three stories. They’ll have elevators. And, again, they’ll have some efficiencies in those buildings, and they will range from 560 square feet, and then the largest of the units are almost 1,500 square feet or 1,487. So, again, a lot of variety in different types of units. Not cookie-cutter, not every unit is going to be the same. Peggy and I toured these buildings, one of their projects, and quite a bit of variety offered for the individual tenants depending on who is looking to get what type of an apartment.

As mentioned at our previous public hearings in the spring, there’s a number of site amenities, and Cobblestone Creek will offer this executive style clubhouse complete with security monitoring via cameras and an access key system. The clubhouse is 2,421 square feet including a 570 square foot garage. The garage will house any of their equipment that they need on the site, but in addition a golf cart because they will take potential clients or tenants around in golf carts around the site to tour and such instead of just walking or driving from building to building or site to site.

The clubhouse will also have the kitchenette, and it will also allow for a focal point for them as an outdoor patio gathering space and amenities for an inside gathering space for the tenants. Their management offices will also be located inside the clubhouse as well. Outside in their outdoor patio gathering area they’re going to have sitting areas, there will be esthetic ponds with fountains,
and they’re also going to install an electric grill for cooking out for the residents that are entertaining or having parties at that location. Initially, it was thought that they were going to be putting an outdoor pool at this site, but after discussions with the staff and viewing the RecPlex facility, they felt that the RecPlex provides some great opportunity for pool amenities and workout and fitness equipment and so on and so forth, and I believe that they’re going to work directly with the RecPlex and encourage their tenants to use that recreational facility for the community.

The ponds measure about a third of an acre on either side of the clubhouse. They’ll be constructed in the center of the site. They’ll have walking paths around the ponds. One of the questions initially was whether or not a well could be drilled or dug on the property. The staff has discussed this with them, and we will allow the well to be used to fill and stabilize the pond levels and the creek, hence the Cobblestone Creek, but municipal water is going to be required for all domestic as well as fire protection and irrigation systems on the site.

Cobblestone Creek will have curb and gutter throughout the property. Each individual building will also have its enclosed bermed and screened trash receptacles, and those will be matching to the buildings with respect to color and such.

With respect to site access, parking and open space, we’re very aware of the existing access roadways, driveways throughout the perimeter of this development. So with respect to the site plan the driveways connecting the south side will be directly across from access points to Extended Love as well as the school. On the west side on 94th Avenue there will be direct connections to the senior center access. On the east side there’s one connection that it mid way, exactly mid way between St. Anne, two driveways, and then on the north their main entrance is directly across a median opening on Prairie Ridge Boulevard.

So we did a couple of different things since the initial presentation to you. Number one, we provided some more internal connections between the buildings and their underground parking, and we also made sure that all these driveways align so that there is no conflicts or great problems with respect to users going in and out of the site not only for the apartment project but as well for the users that circle on all four sides. Basically this is a little unusual in that basically public roads encircle this entire site. So it was a little bit more challenging for them to do their design and their connections.

With respect to the parking on the site, there are a total of 176 underground parking spaces, an additional 162 additional surface parking spaces, so they have 338 parking spaces. A couple of other things as we talk about how we’ve set this up, again, it was set up so there wasn’t one big massive parking lot. We wanted to make sure for the safety of the tenants as well as for there just not being large, open, vast parking areas that each building basically has the parking spaces attendant to those particular buildings. And by doing things the way we did and making these buildings a little bit larger the site as 58.4 percent open space, where only 25 percent of the site was required to have open space. So it will allow for and appear that there’s a lot more open green space on the site. And we felt that that would be a more attractive amenity for this area.

With respect to the DSIS that I had mentioned earlier, the DSIS is intended to cover apartment building entrances, parking lots, garage entrances, and it’s being monitored via a camera monitoring system pursuant to the Village ordinance. This is actually our first residential project,
large project that uses the DSIS. As you know we have that system for many of our new commercial projects from Prime to Shoppes at Prairie Ridge, Lynch Chevrolet, Gordon Foods. We have a lot of projects all having this type of security system which is a live feedback to the police department. Again, we are not monitoring it on a minute-by-minute basis, but it is something that could be pulled up directly at the police station as well as in the cars for the vehicles in case an incident may occur at the site.

With respect to construction practices, Rob and Jeff did a nice job at presenting a lot of very unique things with respect to how these buildings will be constructed above and beyond what is typically done or required. And what we’ve done is those detailed construction practices, many of which we have incorporated as part of the Planned Unit Development requirements for this particular development. Again, typical development probably doesn’t build to these standards, but they have found that everything from the sound insulating walls and other details that they put in these buildings that it’s quite an attractive project, and people are very, very excited about living here because they don’t think of it as just a very quick transitional apartment lifestyle and unit. They have a tendency, and correct me if I’m wrong, Jeff, but they have a tendency to be there much longer periods of time because they feel very comfortable there, and it’s a quiet and affordable place for them to live.

Some of the other things that Jeff had mentioned at our meeting in the spring is that their success to their community does lie with their long-term management as well as the maintenance of their site. And so in the staff comments Jeff talked about the leasing and all the different requirements and the things that they go through as well as the management structure. And I might just have him reiterate a couple of those things but, again, we’ve introduced and put this into the staff comments, and we refer to this management leasing style as one of the most attractive elements that helped us support this project.

As I mentioned in the spring I contacted six or seven of the various police departments in Southeast Wisconsin, and I asked them what type of problems have you had with this particular project, and have you had any concerns. You know what, they were scratching their heads from the police chief down to the detectives to the beat guys, they had a hard time coming up with any concerns or any list of any type of issues that brought them on any type of regular trip to the buildings that had been put in these other communities. In fact, a couple of them asked me are you sure that’s in our community? I said, well, yes it is and this is where it is. Oh, well, we haven’t had any issues or problems with respect to whether it’s incidents or management or problems with respect to the center.

With respect to the site construction schedule, my understanding is that their anticipated start date is still September of this year with respect to site grading and excavation work. Building of the clubhouse and the digging of the esthetic ponds will also occur at the same time. Their intent is to start the first 40-unit building in September, this fall, and be completed sometime late spring of next year. My understanding is they want to start one and see how that leases up, and then work to the next, to the next, to the next. They want to keep going with respect to the project. And Jeff can confirm, but I think 2014 is still their target date to be completed with respect to the entire development which would be just over two years from now.

With respect to the projects on the agenda tonight, we have a number of items. The certified survey map is proposed because they are intending to subdivide the property into two parcels.
For financing purposes the developer does intend to keep ownership of both of them but to actually divide it and have two separate lots, one and two, for this particular project.

The CSM we’ve reviewed it. There’s a couple of things we’d like them to add to the certified survey map. We just need to make sure there’s identified cross-access easement and full accessibility from one parcel to the other for all the tenants, the Village, everyone who is going to be crossing and using all of the amenities on the site. And the staff comments does address some of these new easements that will need to be shown on the CSM, the storm water management, access and maintenance easement, additional utility easements as they are going to be needing from We Energies, vision triangle easements at each of the corners, cross-access easements, and then the blanket DSIS access easement, although we will record a separate DSIS access easement with the Register of Deeds office in addition to the certified survey map.

In addition, just as a reminder, they will need to get a formal written approval from the Prairie Ridge Commercial Owner’s Association. They did kind of give them an initial approval in the spring, but they will need to get final approval from them with respect to this development.

In addition, this project has very little public infrastructure. There’s public sidewalks and public street trees. The trees have already been planted for the most part. There might be a couple that need to be replaced, but public sidewalks also need to be installed. I think there’s some there, but they need to ringing the entire property. So a development agreement that addresses the private improvements that they’re going to be doing as well as the public improvements does need to be addressed, and we’ll be getting security for the sidewalk improvements on the site.

With respect to the text and map amendments, as we mentioned earlier, they’re going from R-9 (UHO) to R-11 (PUD). And some of the modifications to the zoning ordinance for this PUD are listed below in the staff comments. One is to address the net density. Number two is to increase the number of apartment units per building. The next is to allow the building height to go from 35 feet to 48 feet. Next is to allow for these efficiency units at a size down to 425 square feet. To allow for overhead garage doors to face a public street. Obviously they’re on the street on all four sides so that goes without saying. To allow for setbacks to the interior lot lines to be modified. To allow for underground parking spaces to be adjusted slightly.

And as I had mentioned previous some of the other defined community benefit were all the construction modifications that they’re looking to make. That they have to have one parking space per unit in the underground enclosed garage. Three bedroom units are prohibited on this site. Additional secured storage spaces will be allowed for each of the units in the basement area or the garage areas. Exterior building materials and the types they were presenting to us. Increase the open space area from that approximately 25 percent to over 50 percent. We have all of the buildings fully sprinklered. In the clubhouse in particular a defibrillator and local alarm box is going to be installed and provided.

Landscaping and exterior turf are going to be sprinklered. The multi-family sign is going to meet the maximum requirements per the Prairie Ridge Commercial Association, so maximum height of that is six feet. A DSIS system is going to be installed at the developer’s cost. Public sidewalks will need to be installed. They are not going to be allowing for any dogs in any of these units. And then they’ve addressed that if they have any concerns with respect to parking or it’s not
supposed to be on driveways or the access roadways, internal circulation roadways that they will address that through no parking signage as well as pavement on parking.

So the staff has put together a list of recommendations that cover the approvals of the certified survey map, development agreement and related documents as well as all the development plans that they’ve submitted to date. The staff recommends approval subject to the satisfaction of all these conditions, and actually closing with the Village within 30 days of the Village Board’s approval. I know that they have a number of things. They have to close with the bank and they have to, like I said, get some final documents to me for the development agreement just for the sidewalk. And so they need to satisfy all those and then close with us within 30 days. My understanding is they want to move very quickly because they want to get a jump in starting to work with some of the grading on the site out there as quickly as possible.

With that I’d like to introduce Jeff Marlow from Lexington to add any other additional comments that he’d like to present. Again, we are continuing the public hearing.

Jeff Marlow:

Jeff Marlow, 1300 North Kim’s Court, Green Bay. It’s a pleasure to be here tonight, and actually ten times better than the last time I was here. Jean’s covered a lot of the points. I can tell you we’re excited to be here, and we are really looking forward to getting started. We’re finalizing all our numbers. We’re just waiting for this final step of our process. I know Dan is in back waiting for this closing to occur also with us as he worked with us on putting this project together. So it’s just a matter of getting the approvals and being able to move forward. We’ve penciled in everything that we need to do within reason. We’re just finalizing. We’ll be selecting a finalized bank here between the three different quotes that we have. And we’re just ready to move forward with the project.

What exciting news what’s happening with Uline. I mean we’re good. I just told Peggy before the meeting started that when they came up and when they toured the property that we had in Pewaukee they were talking about which is the form of the 40-unit building, that had three buildings that were on site at the time. I think at the time you came you were in our first building. The other two buildings they’re already built and they’re 100 percent occupied. Occupancy has been tremendous.

One key point I will touch upon is the type of design. I hate to even call them apartments, because truly, and that’s why we actually call them lease residencies, because when you talk about them it’s all about diversity of the unit, of the makeup. I do own quite a few apartments that are truly more apartment driven, 20 years old and it’s the box. This is not this. This is something very esthetically pleasing. These are homes, and people are living in these for longer periods of time. We have a big shift that’s occurring where we’re seeing less people of home ownership and more people of rentalship. And I guess they want nice things. So hopefully us as developers are trying to listen and start to be able to give people those opportunities.

There’s a lot of people, too, that want to be able to retire today, and when they sell that home they don’t want to deal with that maintenance, but they’re still used to a nice place. So that’s when we talk about diversity of going from right, from having our efficiency unit to the working professional that maybe might be there once a blue moon but needs a place to hang his or her hat,
or the person that says, you know what, I want to be able to retire and I want the 1,400 square foot unit that’s going to have the two bedrooms, the full two baths and all the amenities. So that much I can tell you. It really truly is a unique project, and I think it’s something that’s really going to fit in well, and we definitely wan to be a part of the community. So are there any questions I can answer for anyone?

Jean Werbie-Harris:

I was wondering if you have received any calls from any residents or anyone in the Village since this project was announced in the spring? Has there been any interest generated?

Jeff Marlow:

We have over 20 people on a waiting list that are interested in this project. Yeah, we’re excited. So that’s why we’re hoping to get this all through and try to get everything set to go to start. One thing just to add to what Jean had mentioned, we would start moving all the dirt around, begin with the clubhouse, work on those ponds, and we’re going to put two foundations in right away. So that way when we can start we can get going because we never know what the weather has entailed for us, but those two foundations we’ll get in. We’ve wrote an order to Spancrete because it’s a 12 week lead time to be able to get the products. I guess I’m sort of keeping my fingers crossed that I won’t be sitting with $350,000 worth of Spancrete here for orders. So we’ll start with those two and then we’ll go through the first one and get that done. And then we’ll just work our way right into the second one right away. Then from that part, as long as we get that set, as long as we hit our – we like to have a 80 percent rental occupancy, but truthfully for over 20 years I’ve been doing this we’ve filled anything that we built, because we pride ourselves on good quality locations that are going to be there. Then we’ll start with the next group which will be the same sort of thing, put in another foundation and another. We try to put in two foundations at a time otherwise the timing of it takes a little longer to get it built. Thank you.

Tom Terwall:

Thank you. I’m going to continue the public hearing, and we may have to call on you again. Anybody else wishing to speak? Anybody else? Hearing none, I’ll open it up to comments from Commissioners and staff.

Don Hackbarth:

On a unit that size, 1,400 or 1,500 square feet, why don’t we allow three bedrooms?

Jean Werbie-Harris:

The Village has had some concerns with respect to three bedroom units bringing in three or four or six different families or unrelated groups of people and it turning into more of a college dormitory. And so we would like to focus in on that not happening.

Tom Terwall:

Okay, that’s a serious problem in Waukegan. Mike?
Michael Serpe:

Jean, the application process for this development is very unique, very strict and very good I might add. And the property management is outstanding as I see this. Did we have conversation with Jeff on in the event next year, 10 years, 15 years he sells this property and the new owners as part of the conditions of purchase would follow the same process that he has put in place with the application and property management?

Jean Werbie-Harris:

The planned unit development that is the zoning for this property which is the overlay I did put a paragraph in here that talks about regardless of property ownership the property shall be operated and maintained in a uniform manner, and the development shall continue to operate under the detailed and structured process related to the leasing and property management as presented by the developer at the April 30, 2012 Plan Commission meeting, and we’ll probably change this, as to this Plan Commission meeting tonight and the Village Board meeting.

We did not specifically want to attach all of his leasing documents to this because we recognize that things can change. But the intent is all of these comments and all of the things that we’ve talked about these are some of the reasons why he’s receiving the density and the project and the uniqueness and the level of craftsmanship and quality in this project is what’s selling this project in addition to how they intend to maintain it. Because the maintenance and operation is key to any residential project from being a success and well maintained.

Michael Serpe:

And by doing that we’re going to keep the integrity of this project in place. That’s good.

Jean Werbie-Harris:

That’s good. He has indicated to us that this is one that they’d like to keep in their portfolio. Obviously I can’t guarantee that, but what I can guarantee that there’s a certain level of quality and quantity of expertise that they’re bringing to the table, and we would like them to understand that this is moving forward as like a covenant on the property pursuant to the zoning.

Michael Serpe:

And that’s been agreed upon, right Jeff?

Jeff Marlow:

If I could address two points. On the three bedroom situation, that’s a lot of our intent. We have no desire to have any three bedroom units. It’s just bad karma and we just don’t like to go there. And on the other application of the management style, yes, for the long-term hold absolutely. We’ve already went and working on long-term financing. I just did a huge refinance package on five of my properties through a Fannie Mae loan program. And I went ahead and had the appraisal all done on a Fannie Mae program, too. So we already have those steps where we’re
looking to go either Fannie Mae which is a long-term market of a 20 year, otherwise we’re looking to go FHA for a 35 year. Either one of them are throw away the key type of programs where they’re in place and they’re whole projects. So that’s our ultimate goal.

Andrea Rode:

Jeff, I just wanted to comment, too, for the Village I’m really looking forward to seeing this come to fruition. I can’t wait to see it once it starts and the first building goes up. I really love the design. It has a very European, very charming look and design to it, and it will just only add to the Village.

Jeff Marlow:

Thank you. It truly will. These pictures really don’t do it justice. Jean you saw and thought it was wonderful, this is even taking it steps even further, some really uniqueness and character to it.

Jim Bandura:

Just a quick question. You mentioned that you had a waiting list already. Just out of curiosity, what’s your age range on that?

Jeff Marlow:

I couldn’t even tell you. From property management Michelle that was here before I would ask her how many people on the list. I didn’t really ask her age-wise. But if I had to give you a best estimation I’d probably say you’re going to say somewhere about 35 to 40. What we find with the units that are here and the price points for what we’re at there’s very few people that are coming out of high school and they’re renting from us. That’s not our demographic. We talked about no dogs, absolutely want nothing to do with dogs. I love dogs but I just don’t love to deal with them on properties we own.

Don Hackbarth:

If I ever move into that place I might join St. Anne’s.

Tom Terwall:

I think St. Anne’s might have something to say about that, too. If there’s no further comments I’m going to move ahead then. I need a motion first of all to send a favorable recommendation to the Village Board to approve the zoning text and zoning map amendments.

Andrea Rode:

So moved.
Jim Bandura:

Second.

Tom Terwall:

MOVED BY ANDREA RODE AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AND ZONING MAP AMENDMENTS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. And then Item C, a motion to send a favorable recommendation to the Village Board to approve the certified survey map, the development agreement and related documents.

Don Hackbarth:

So moved with the attached stipulations.

Michael Serpe:

Second.

Tom Terwall:

MOVED BY DON HACKBARTH, SECOND BY MIKE SERPE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Go for it, Jeff.

D. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-10 FOR AN AMENDMENT TO THE COMPREHENSIVE LAND USE PLAN for the request of Mark Eberle, P.E. agent for Water Street Land LLC, owner, for the proposed commercial development of a the property located at the southeast corner of STH 50 and 104th Avenue within the Prairie
Ridge Development Plan. Specifically, Map 9.9 is proposed to be amended to correctly identify the field delineated wetlands, excluding the 2,578 square feet wetlands proposed to be filled into the Park, Recreational and Other Opens Space Lands with a field verified wetlands land use designation and the non-wetland areas including the 2,579 square feet of wetlands to be filled into the Commercial Lands with a designation as Community Retail and Service Centers land use designation on said property. In addition, to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan to include said amendment.

Jean Werbie-Harris:

Mr. Chairman, we’ve got items D, E, F, G, H are all related, so I’d like to make one presentation.

John Braig:

So moved.

Michael Serpe:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG, SECOND BY MIKE SERPE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

E. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Mark Eberle, P.E. agent for Water Street Land LLC, owner, for the proposed commercial development of a the property located at the southeast corner of STH 50 and 104th Avenue within the Prairie Ridge Development to create four (4) lots for the potential development of two (2) restaurants and two (2) other commercial buildings (retail or office uses) on the 9.2 acre property.

F. Consider the request of Mark Eberle, P.E. agent for Water Street Land LLC, owner, for approval of a Certified Survey Map, Development Agreement and related documents to create four (4) lots for the proposed commercial development of a the property located at the southeast corner of STH 50 and 104th Avenue within the Prairie Ridge Development Plan and extend public municipal sanitary sewer to service the development.
G. Consider the request of Mark Eberle, P.E. agent for Water Street Land LLC, owner, for approval of a Preliminary Site and Operational Plans to allow for the mass grading, installation of public and private infrastructure improvements for the proposed commercial development of the property located at the southeast corner of STH 50 and 104th Avenue within the Prairie Ridge Development Plan.

H. **PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND TEXT AMENDMENT** for the request of Mark Eberle, P.E. agent for Water Street Land LLC, owner, for the proposed commercial development of a the property located at the southeast corner of STH 50 and 104th Avenue within the Prairie Ridge Development Plan to amend the zoning map and rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District and to rezone the non-wetland areas including the 2,578 square feet wetland area to be filled into the B-2, Community Business District and to rezone the entire property into the Planned Unit Development District, (PUD). In addition, a Zoning Text Amendment is intended to create the specific PUD District zoning regulations for the proposed commercial development on said property.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, we have six items that are related, and I will read each of them as on the agenda, and I’ll be making one presentation this evening. This has to do with a public hearing and consideration of Plan Commission Resolution 12-10 for an amendment to the comprehensive land use plan for the request of Mark Eberle, P.E., agent, for the Water Street Land, LLC, owner, for the proposed commercial development of a property located at the southeast corner of State Highway 50 and 104th Avenue within the Prairie Ridge Development.

Specifically, Map 9.9 is proposed to be amended to correctly identify the field delineated wetlands excluding an area that is proposed to be filled and developed, and specifically the area for this development will be placed into the commercial lands designation as a community retail and service center area land use designation on the property. In addition, we’ll be amending Appendix 10-3 of the Pleasant Prairie 2035 Comprehensive Plan to include the amendment.

The next item, also part of the public hearing will be a conceptual plan for the request of Water Street Land, LLC and, again, this is for the same property in the Prairie Ridge development. And this is to create four lots for potential development, two restaurants and two other commercial buildings, retail or office uses on the 9.2 acre property. The next item, again, the same petitioners, they’re requesting approval of a certified survey map, development agreement and related documents. This is to create the four lots within the commercial development.

The next item on the agenda the same petitioner, they’re requesting preliminary site and operational plan approval, and this is to allow the mass grading, installation of public and private infrastructure improvements for the proposed commercial development of the property, again, at that same location in the Prairie Ridge area. And the next is, finally, the zoning map and text amendment, and this is to rezone the property into – it’s to rezone based on the field delineated wetlands. Those areas that are wetland will be placed into the C-1 District. There’s a small area that’s proposed to be filled for the driveway entrance off 104th so that will be placed into the B-2,
Community Business District area. And then there will be a PUD, Planned United Development Overlay on top of the entire property.

So with that, the petitioner is requesting several approvals for the development of a 9.2 acre property within the Prairie Ridge development at the southeast corner of Highway 50 and 104th Avenue. The development area is to be referred to as the Prairie Ridge West Commercial Development. This is actually a redivision of Lot 1 of Certified Survey Map 2666.

With respect to the conceptual plan, again, they’re looking to subdivide this property at that southeast corner of 50 and 104th Avenue into four lots for the potential development of two restaurant pads and two other commercial buildings, retail or office uses. Lot 1 is proposed to be developed with a restaurant site that’s approximately 7,985 square feet. At this point the names of the restaurants have not been identified, with 170 parking space. Lot 2 is proposed to be developed with approximately a 4,897 square foot restaurant with 88 parking spaces. And actually we are looking for some flexibility that that still might be a multi-tenant site on Lot 2.

Lot 3 is proposed to be developed for a retail building of approximately 10,000 square feet with 59 parking spaces. And Lot 4 is proposed to be developed for a small office building, retail site. The maximum size would be 4,260 square feet with 21 parking spaces. Any use that goes in that small site would have to be able to accommodate the parking, so it can’t be too intensive of a retail or office use because we’ve only got space for about 21 spaces.

At this time, again, they are looking to just do some preliminary site and operational plan work to start the initial mass grading, pad ready sites, get the sewer and water infrastructure to the site. Detailed site and operational plans will need to be advanced by each of these users and presented to the staff and Plan Commission for formal approval before those actual pads start any type of building construction.

Site access for this complex or this outlot area is from 104th Avenue. There will be in a right-in, right-out as shown on the site just south of Highway 50. A secondary access will be from 77th Street, and then there will be some additional access, cross-access from 77th Street through the Olive Garden site and then cross-access to the first of this Lot 2. In addition, there is actually cross-access being provided that can circulate for each of these sites. The only exception is Lot 4 they will have that one direct access off of 77th Street. So as you can see we did provide good, smooth cross-access between each of the various building pad sites to get the users in and out of the site as well as deliveries and others that are coming in out of the site.

The conceptual plan also shows the potential for all the cross-access parking lot areas at that southeast corner. What’s important to note is each individual user does need to provide for adequate parking for that particular use. That doesn’t exclude cross-access, but they need to make sure that there are agreements amongst all of the users and, again, there will be a sub-association that’s created so that each of the individual parcels does have adequate parking throughout. It’s not the intention that there will be any parking allowed on Highway 50. There will be no parking on 104th and no parking on 77th for these users. There is a potential at the very south end right here to add another kind of overflow parking. I’m not sure that they would build that initially, but in the event that there is a parking issue they can add some additional parking. And obviously the users will work so those will be the parking spaces for their employees.
The wetlands on the site, as you can see there’s two main wetland complexes, were redelineated by Dave Meyer of Wetland and Waterway Consultants. This was done on October 22, 2011. There is a small area of just over 2,500 square feet of wetlands in this proximity that are proposed to be filled and developed in order for this cross-access driveway access from 104th Avenue to be brought into the site. The Village feels very strongly that this access is maintained on the site for access in and out of this development area. It was an access that was originally platted when Prairie Ridge was platted back in 1998. There was a curb cut that was provided, so the Village staff feels very strongly that this access point remain even as a right-in, right-out to get people in and out of this area of Prairie Ridge.

The wetlands are located within a common open space access and maintenance easement area that’s shown and described on the CSM. The Dedicated Wetland Conservancy Area Easement and Restricted Conservancy area that was originally shown on the previous CSM, we are asking for there to be some slight modification to the language. These wetlands are not intended to be used for storm water management, so we are requesting that there be some slight modifications to the CSM language for this CSM.

Lots 1, 2 and 3 are proposed to be serviced by public sanitary sewer that the developer is going to be installing in the first instance along with private water and private storm sewer mains which will all connect to 77th Street. Engineering plans have been provided as part of the review and submittal as part of this preliminary site and operational plan approval process. So we’re waiting for a couple of pieces with respect to getting us the detailed contractor bids and proposals. But they are working to get that information to us. Lot 4 is kind of a little bit by itself and, again, that’s the one that’s way down at the corner right at that northeast corner. They’ll be getting their direct public improvements through laterals attached to 77th, in 77th Street.

Each of the four lots will have individual primary monument signs similar to the other developments along Highway 50. The primary monument signs for Lots 1 and 2 front along Highway 50. We’re recommending that these monument signs at these two locations do not exceed the same heights that have been approved similarly in Prairie Ridge at a maximum height of ten feet. There are some secondary monument signs that have been identified at the 104th Avenue entrance and the 77th Avenue entrance. Again, we’ve identified specifically the maximum heights for those secondary monuments. Both this Lot 3 and Lot 4 they will have their primary monument signs off of 77th Street, and their maximum heights for their signs that we’re proposing is six feet.

With respect to the secondary monument signs as noted in the staff comments those will be for helping to identify these three major users on the property. Again, we still envision that this Lot 4 will be more of a stand alone, and they likely will not be on those secondary monument signs.

The owner is proposing to create the Prairie Ridge West Commercial Development Association. Basically is will be a sub-association to the overall association for Prairie Ridge commercial area. And the purpose for this is that since they have some internal private roads, parking lots, open space areas, it’s intended that this sub-association will manage those types of activities within this particular area. That doesn’t mean that they still don’t have to comply with the requirements of the overall association. They will so they’ll have two basic associations that they’ll have to comply with in this particular area.
In the staff comments it notes that the declaration also outlines for the sub-association the responsibilities with respect to the DSIS. Again, it’s intended that there is going to be one DSIS, digital security imaging system, that services not only these four lots that we’re talking about this evening, 1, 2, 3, 4, but also the Olive Garden Restaurant. When we approved that development a few years ago, one of the conditions was that that restaurant and their access points also needed to be serviced by the DSIS. But instead of having a separate individual just for that restaurant, we had agreed as a Village that all five of these uses would be subject to the same DSIS. They could have one DVR, one secured centralized location, and it would be a little bit easier for this development. The concern is that we do want to see this DSIS go into one of the multi-tenant buildings that is in this area, or a separate stand alone hut or shelter building can be created so that each individual one they could come online one at a time. So we need to have a little bit further discussion with the developer as well as their users to discuss how they want to proceed. I kind of left it open in the DSIS of one way or another and the same in the PUD.

The certified survey map is proposed to subdivide the property into four lots. Again, Lot 1 will be 2.4 acres with 250 feet of frontage on Highway 50. Lot 2 will be 1.4 acres with 200 feet of frontage on Highway 50. Lot 3 1.4 acres with 230 feet of frontage on 77th Street. And then Lot 4 is 3.9 acres with over 190 feet of frontage on 77th Street and over 600 feet of frontage on 104th Avenue. The reason why that Lot 4 is so big is because it encompasses all of the wetland and open space areas within that particular area.

With respect to some of the easements, modifications that need to be made yet on the CSM, we want to get some clarification on the cross-access easements, M and L, and that’s kind of detailed in the staff comments. We need to get some clarification on the vision triangle easements. These are kind of new easements for the particular property. In addition we’ve got the common open space access and maintenance easement, the private water main access and maintenance easements, the dedicated entry monument sign easement and the public utilities access and maintenance easements. These all need to be shown on the CSM. We just want to go through that language with them. And most language is shown, but I just want to make sure everyone’s clear with respect to what the purpose of these easements are.

Also, some things that are new include the public sanitary sewer access and maintenance easement. Sanitary sewer is going to be public, so we’ve got to make sure that that easement is stated. The storm water management access and maintenance easement, they’re giving us an over access easement for storm water. The Village will have the right but not the obligation to do anything with respect to those. And then they come to find after doing their survey work that they needed to expand a dedicated entry monument easement on the property. As you know, there is a monument kind of over int his location that identified Target, Dick’s and Penney’s. And the whole thing is not quite in the easement, and so they need to expand it in order to address the concerns. Instead of requiring that monument to be moved, they’re just expanding that easement for that monument to stay.

Again, a couple of other easements that need to be modified with respect to their language one is the public/private storm water easement, the dedicated wetland conservancy easement which we talked about with respect to reflecting not a dedicated basin on that site. And then storm water detention easement language. So they just received all these modifications, and I know that their engineering is working on clarifying some of this language before the next Board meeting.
Easements E and F could be vacated prior to the recording on the new CSM. A couple of things. First of all, there is an existing storm water easement that runs north/south right here from the Olive Garden parking lot. Obviously that runs right through the center of this Lot 3 which would cause a problem for the building. So they are looking to cap that off and then redirect that storm water kind of through this Lot 2, and then it will exit out into their storm sewer that they are redesigning for the development.

With respect to the site because we do have public sanitary sewer, some public sidewalk, some public street trees, we are doing a development agreement for this. Most of the infrastructure will be private, and the development agreement addresses all the private work that does need to be done, but the public work does need to be secured by a letter of credit or cash payment from the bank. And we will be working through that, and that’s all set forth in the development agreement that they have. Again, the zoning map amendment I mentioned previously modifying the C-1 boundaries as well as placing that PUD on the entire property, and then those areas that are not wetland will be also placed into the B-2, Community Business District.

There’s a comprehensive plan amendment as a result of this, and this is due to the fact that we’re modifying the wetlands to be filled in that entrance driveway area or private driveway area. So we just need to make some slight modifications to the comprehensive plan to address that filling of the wetland in that area.

With respect to the preliminary site and operational plans the petitioner is requesting that preliminary approval this evening before the Plan Commission so that they can begin the installation of sanitary sewer, water and storm sewer mains along the north/south portion of the shared access driveway. The key here is that they do need to begin the mass grading and start getting these pad ready sites put together in order to get that infrastructure put in for the future developments in these areas. I made some reference and discussion about the storm sewer and the Olive Garden property and that one storm sewer that’s going to be vacated, redirected with respect to the storm sewer.

One of the other thing specifically as it relates to the construction site, and I know we’ve talked about this in the past, but there is existing an old single family house right at this corner along with some outbuildings. All of those structures including the house and all the utilities that are to that house and to that site needs to be razed, cleaned, site graded, get it pad ready, and we’ve got a deadline now of everything needs to be done, done, done by December 31st of this year. Hopefully sooner if they’re working with a future user for that particular property.

And then just in more detail, the digital security imaging system in the staff comments addresses the fact that there are five users that are going to be tied into this DSIS. One system there needs to be a secured lot location for the DSIS and the DVR in the system. There needs to be a Time Warner Cable connection. All of these users will need to be responsible for the costs associated with this system. It’s intended that this system once it’s been designed, installed and inspected by the Village it’s intended to be dedicated to the Village, and we will maintain that system no different than we maintain The Shoppes at Prairie Ridge and Prairie Ridge Commons. However, the owners are responsible for all of the ongoing maintenance costs and any future camera or line replacements for this system into perpetuity as we moved forward. And that is all detailed in the DSIS agreements that have been already drafted in their draft form for this development.
And one last thing with the DSIS that I might have mentioned is that we have identified that either the DSIS system can go into a secured room within one of the multi-tenant buildings, or the Village will support a separate hut or building, and it can be very small, but it has to be able to house this equipment that the Village, police department, IT department has direct access to but it’s not a direct accessible building that is generally accessible by the users on the property.

So with that the staff recommends approval although this is a public hearing and I’d like to continue that public hearing. And, again, we’ve got six items: The comprehensive land use plan amendment, the conceptual plan, the certified survey map and development agreement and related documents, the preliminary site and operational plans and the zoning map and text amendment, specifically that PUD, C-1 and the B-2. So with that I’d like to continue the public hearing. And there are representatives here regarding this project, and I didn’t know if they wanted to add anything to the discussion.

Tom Terwall:

Anybody wishing to speak? Does the developer wish to be heard?

Jean Werbie-Harris:

Yes, they do.

Mark Eberle:

Hi there, Mark Eberle, Nielsen, Madsen Engineers. Here today with me is John Holborow from Evo Development representing the developer, representing the bank, excuse me. Jean, just want to say thank you. You always do a wonderful job of presenting that, better than I could ever do in a million years. That’s a lot to get out for one development. But we’re really just here to answer any questions you may have. It’s a somewhat complicated site to put together but it’s coming together I think very well. We’re getting towards the last leg of it here. There’s some issues to iron out regarding security systems and public sanitary sewer mains and a couple other things. But it’s coming together very well. I’m just here to answer any questions you may have.

Tom Terwall:

I wouldn’t ask you to divulge tenants, but do you know who any of the possible restaurants may be? Are you discussing that with anybody at this point? I’m not going to ask you who.

John Holborow:

John Holborow with Evo Development. My address is 5375 North 118th Court in Milwaukee. I’m representing the bank as their developer’s consultant. The bank is currently negotiating one purchase and sale agreement with an end user. It’s a national retail restaurant chain that currently has no presence in Wisconsin. Pleasant Prairie would be their first location in Wisconsin. They’re not ready to divulge the information yet because they don’t have a signed contract. But obviously we’d be happy to share that with you sooner rather than later as soon as we have that contract wrapped up. We are having other conversations with other national restaurant users as
well as other retail, office, commercial users for the remainder of the project. And obviously as those come in as well we would divulge that information to you.

Tom Terwall:

Thank you. I’ll continue the public hearing. Just be prepared to answer any questions as they come up. Is there anybody else wishing to speak? Anybody else? Hearing none I’m going to open it up to Commissioners and staff. Jean, I have one question. Access on 014th Avenue is there any thought given to how that’s going to line up with Lynch’s ultimate entrance point on 104th Avenue?

Jean Werbie-Harris:

It actually doesn’t because 77th Street is the east/west roadway that takes you into the Chateau Eau Plaines area. So that driveway on 104th right there lines up with a solid median. So that’s why it’s going to be a right-in, right-out only. What I can tell you is the DOT has reviewed this plan and recently, just recently late last week, we received comments from them. And they’re actually looking for a considerable amount of dedication along the east side of 104th. It looks like it’s not going to impact the buildings or the parking lots because they’ve made even some minor adjustments here, but there is some wetland impacts and other impacts right here. And the DOT asked us to consider whether or not that this driveway could be close, and in the staff’s opinion –

Tom Terwall:

No.

Jean Werbie-Harris:

– closing that driveway would be very detrimental for this development. With the number of parking spaces, the number of users, the number of users right here we need to make sure there are multiple opportunities for access in and out. And, again, there is no median cross-over right here, so it should not have any direct impact on the crisscrossing of traffic at that location. And it really is outside of the sphere of influence with respect to the construction zone for the right hand turn lane movements when Highway 50 is reconstructed in 2017.

Tom Terwall:

Will Lynch’s ultimate access then be north or south of that driveway?

Jean Werbie-Harris:

Well, Lynch is kind of way over here because there’s a whole corner right here of potential for commercial development. Like going off this is 77th and it keeps going, keeps going, and then over here is where 109th Avenue is, and Lynch is actually on the west side of 109th Avenue with entrance onto Highway 50 and 77th. So they’re a ways away. I don’t want to say a half a mile but a quarter mile maybe to the west.
Jim Bandura:

Just a quick question, Jean. I have a little concern with the curb cut for the smaller parcel on the corner of 77th. How close is that to the corner?

Jean Werbie-Harris:

It has to be a minimum of 150 feet from that intersection. I don’t know if either of you know right off the top of your head without scaling it where it is. 150 feet.

Jim Bandura:

So the start of it is at 150 feet?

Jean Werbie-Harris:

No, center line to center line, and that’s what’s required by ordinance. And there’s a maximum of 21 parking spaces there. So it can’t be an intensive retail use at that location. It probably won’t be a restaurant use. I mean it would be very difficult because restaurant and some other uses – more of an office use. Less parking spaces, less impact, less in and out.

Michael Serpe:

Jean, do we know the parking situation with reference to the Olive Garden on a Saturday night?

Jean Werbie-Harris:

Do I know about the parking situation? What I can tell you is that there’s oftentimes that they’re in need of additional parking. But I can tell you according to their manager this is one of the most successful Olive Gardens that they have. But what they are finding out now after almost two years of being open is that many of the people that go to the restaurant are starting when are the busy times and least busy times, and people are spreading that time out so it’s not becoming as much of an issue as it did before. Obviously restaurants typically will cross-access, but I know that they need to make sure that they accommodate for their parking onsite. The question is how long are people willing to wait to go to that restaurant.

Michael Serpe:

And how does this development, this larger restaurant here compare with the Olive Garden as far as size and parking?

Jean Werbie-Harris:

It’s much larger. And I think their minimum parking is 170 or 180. They require more parking.

Michael Serpe:

And what does the Olive Garden have, 140?
Jean Werbie-Harris:

Something like about 140. They require more parking, and that’s why specifically on their site plan there is specifically at least that 180 that has been designated. And then that is why also this additional parking lot has been identified that goes above and beyond the requirements for each of the users.

Michael Serpe:

This is great news, don’t get me wrong. We just want to make sure that we do have enough parking because we’re restricting the parking on the streets.

Jean Werbie-Harris:

And the other thing I do have to mention, and I guess each of these users if they find that they’re that successful there is some opportunity. There’s a lot of vacant spots that are at the very north end of 77th Street as part of the Inland property parking lot area. Again, that’s something that would have to be negotiated or discussed between the projects and the developments to see if they could actually identify some parking spaces for cross-access. But there is some opportunity there as well as behind the southeast corner of that development as well for parking is what I’ve noticed over the last several weeks.

Michael Serpe:

I guess based on tonight’s agenda I guess that the economy is turning around.

John Braig:

If nothing else the staff is busy.

Don Hackbarth:

I make a recommendation that we approve Resolution 12-10 for the amendment to the comprehensive land use plan.

Jim Bandura:

Second.

Jean Werbie-Harris:

Tom, did we close the public hearing? I’m not sure if we did or not.

Tom Terwall:

No. Is there any further comment? I’ll close the public hearing. Now your motion.
Don Hackbarth:

Alright, I recommend that we approve Resolution 12-10 for an amendment to the comprehensive land use plan.

Jim Bandura:

And I will second it.

Tom Terwall:

MOTION BY DON HACKBARTH AND A SECOND BY JIM BANDURA TO ADOPT RESOLUTION 12-10 FOR AMENDMENT TO THE COMPREHENSIVE LAND USE PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Michael Serpe:

Move approval of the conceptual plan.

Judy Juliana:

Second.

Tom Terwall:

MOTION BY MIKE SERPE AND A SECOND BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM.

Jean Werbie-Harris:

Can I just clarify that for the conceptual plan, the certified survey map, the development related documents all of these specific related items I would like to see a 60 day conditional approval so that they have at least 60 days from the Village Board meeting in order to make sure that all the conditions are satisfied. We’re working towards that end and I’m sure we’ll meet that with plenty of time, but I’m not sure if I put that in the staff comments or not. So I just want to make sure there will be 60 days from the Board’s approval.
Tom Terwall:

    But that’s something for the Board to approve, not for the Plan Commission.

Jean Werbie-Harris:

    That’s true, but actually I want to bring it up to you as well at this point.

Tom Terwall:

    I UNDERSTAND, OKAY. WE HAVE A MOTION BY MIKE SERPE AND A SECOND
    BY JUDY JULIANA THEN TO SEND A FAVORABLE RECOMMENDATION TO THE
    VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN. ALL IN FAVOR
    SIGNIFY BY SAYING AYE.

Voices:

    Aye.

Tom Terwall:

    Opposed? So ordered. Then we need a motion to send a favorable recommendation to the
    Village Board to approve the certified survey map, development agreement and related
    documents.

John Braig:

    So moved.

Andrea Rode:

    Second.

Tom Terwall:

    IT’S BEEN MOVED BY JOHN BRAIG AND SECONDED BY ANDREA RODE TO
    SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO
    APPROVE THE CERTIFIED SURVEY MAP, DEVELOPMENT AGREEMENT AND
    RELATED DOCUMENTS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED
    IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

    Aye.
Tom Terwall:

   Opposed? So ordered. Now we need a motion to approve the preliminary site and operational plans.

Don Hackbarth:

   So moved.

Jim Bandura:

   Second.

Tom Terwall:

   MOVED BY DON HACKBARTH AND SECONDED BY JIM BANDURA TO APPROVE THE PRELIMINARY SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

   Aye.

Tom Terwall:

   Opposed? So ordered. Then, finally, a motion to send a favorable recommendation to the Village Board for consideration of the zoning map and text amendment.

Michael Serpe:

   So moved.

Judy Juliana:

   Second.

Tom Terwall:

   MOVED BY MIKE SERPE AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AND TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

   Aye.
Tom Terwall:

Opposed? So ordered. We’re waiting for you guys to open that restaurant. Thank you.

I. **Consider the change of the official address of the property located at 11121 4th Avenue to 11027 4th Avenue as a result of the address being out of sequence.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this item is to consider the change of the official address of the property located at 11121 4th Avenue to 11027 4th Avenue as a result of the address being out of sequence. It has been brought to the Village’s attention that the addresses of the homes on the east side of 4th Avenue in the Carol Beach Subdivision are out of sequence between 11001 and 11145 4th Avenue. In reviewing this information, it appears that the home located at 11121 4th Avenue, Lot 20 of Block 20 in the Carol Beach Estates Subdivision Unit #2 owned by Gomez and Gisela Hernandez and further identified as Tax Parcel Number 93-4-123-293-1045 is located between 11021 and 11101 4th Avenue.

These address issues could create problems for emergency response personnel, deliveries and other persons trying to locate the properties. Therefore, on July 16, 2012, the Village Board had adopted Resolution 12-22 to initiate the change of the official address of this property pursuant to Article IV of the Village ordinance. The Village Board of Trustees is going to be holding a public hearing to consider the changing of the address for this property, again, from 11121 4th Avenue to 11027 4th Avenue to resolve the aforementioned concerns. Staff is still looking for recommendation from the Village Plan Commission on this matter. We need to confirm exactly what date it’s going before the Village Board. So we need to confirm that date. But the staff is recommending that the Plan Commission consider approval of this official address change with the public.

Tom Terwall:

Has the property owner been involved in any of these discussions?

Jean Werbie-Harris:

We have sent notification to the property owner. We have not heard from them yet. We will send notification again to confirm the public hearing date, and hopefully they will respond to that.

Don Hackbart:

November 1st?

Jean Werbie-Harris:

Well, the November 1st date would be the effective date. We typically give 30 to 90 days for an effective date. But the public hearing date we need to confirm whether or not it’s August 20th or it’s going to be September 17th.
Don Hackbarth:

Move approval.

Michael Serpe:

Second.

Tom Terwall:

MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD APPROVING A CHANGE OF ADDRESS SUBJECT TO THE PUBLIC HEARING BEFORE THE VILLAGE BOARD. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. ADJOURN.

John Braig:

So moved.

Michael Serpe:

Second.

Tom Terwall:

All in favor?

Voices:

Aye.

A. **PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-11 FOR AMENDMENTS TO THE COMPREHENSIVE PLAN** for the request of Adam Artz P.E. of Pinnacle Engineering on behalf of Majestic Realty Co., for land owned by WISPARK LLC that is generally located on the east side of 88th Avenue and south of Bain Station Road for the development of a proposed warehouse distribution building: 1) to amend the Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 to change the low-medium density residential land use designation and the Park, Recreation and Other Open Space Lands (not within any wetlands or 100 year floodplain designation) to the Industrial Land Use designation with a General Industrial category and removal of the Urban Reserve Area; and update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan to include said amendment and 2) to amend a portion of the Pleasant Farms Neighborhood Plan to remove the residential single family lots adjacent to the cemetery, to allow the entire property to develop as Industrial (except for field delineated wetlands and the 100-year floodplain) and to amend the proposed layout of proposed roadways within and adjacent to the property.

B. **PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN** for the request of Adam Artz P.E. of Pinnacle Engineering on behalf of Majestic Realty Co., for land owned by WISPARK LLC that is generally located on the east side of 88th Avenue and south of Bain Station Road for the development of a proposed 1.2 million square foot warehouse/distribution facility building to be known as Majestic Center.

C. **PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT** for the request of Adam Artz P.E. of Pinnacle Engineering on behalf of Majestic Realty Co., for land owned by WISPARK LLC that is generally located on the east side of 88th Avenue and south of Bain Station Road to rezone a portion of the property that is zoned A-2, General Agricultural District into the M-2, General Manufacturing District.
Peggy Herrick

From: Jean Werbie-Harris
Sent: Thursday, September 06, 2012 1:56 PM
To: Peggy Herrick
Subject: FW: Majestic / Wispark Rezoning Request

Majestic concurs that the item will be table until October 8th. JOHN

John H. Semcken, III | Vice President | E-mail: jSemcken@MajesticRealty.com |
R.E. License 00979758 (CA) | Direct: 562-948-4306 | Fax: 562-692-1553
Majestic Realty Co. 13191 Crossroads Parkway North, 6th Floor, City of Industry, CA 91746 | R.E. License 00255328 (CA) | http://www.majesticrealty.com

From: Franke.Jerry [mailto:jfranke@wispark.com]
Sent: Tuesday, September 04, 2012 5:50 PM
To: jwerbie@PLPRAIRIEWİ.com; Mike Pollocoff (mpollocoff@plprairiewi.com)
Cc: Semcken III, John; Rizzo.Todd; Puchner, Joseph E. (Joseph.Puchner@quarles.com)
Subject: Majestic / Wispark Rezoning Request
Importance: High

Jean and Mike,

On behalf of Majestic Realty Company and Wispark LLC, John Semcken III and I request that consideration of the neighborhood plan amendment and rezoning requests which are scheduled for the September 10, 2012 Village of Pleasant Prairie Plan Commission meeting be laid over until the Plan Commission meeting of October 10, 2012. This delay is being requested so that the revised neighborhood plan amendment and rezoning requests will be considered at the same meeting.

John Semcken III will confirm Majestic’ s concurrence with this request by replying to this email.

If you have any questions, please do not hesitate to contact me. Thank you.

Jerry

Jerry Franke
President
WISPARK LLC
PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #12-12 FOR AMENDMENTS TO THE COMPREHENSIVE PLAN: to consider the adoption of the Amendment to the Regional Water Quality Management Plan Greater Kenosha Area adopted by the Southeastern Wisconsin Regional Planning Commission in June 2012 as a component of the Village’s Comprehensive Plan and to create Section 390-6 F to specifically list this Plan as a component of the Village’s Comprehensive Plan. In addition, to add a notation to the following Maps within the Comprehensive Plan to reference the adoption of said amendment: 1) Map 5.1 entitled “2010 Pleasant Prairie Sewer Utility District and Lake Michigan Sewer Utility District Boundaries”; 2) Map 5.2 entitled “Detailed Adopted Sanitary Sewer Service Areas within the Pleasant Prairie Sewer Utility District”; and 3) Map 5.3 entitled “Generalized Adopted Sanitary Sewer Service Areas and Existing Areas Served by Sewer”.

Recommendation:

Village staff recommends that the Plan Commission approve Resolution #12-12 and send a favorable recommendation to the Village Board to approve the amendment to Regional Water Quality Management Plan Greater Kenosha Area as a component to the Village Comprehensive Plan as presented.
VILLAGE OF PLEASANT PRAIRIE PLAN COMMISSION
RESOLUTION #12-12
TO ADOPT THE AMENDMENT TO THE REGIONAL WATER QUALITY MANAGEMENT PLAN FOR THE GREATER KENOSHA AREA AS A COMPONENT OF THE VILLAGE OF PLEASANT PRAIRIE, WISCONSIN, 2035 COMPREHENSIVE PLAN

WHEREAS, pursuant to Section 66.0309(10) of the Wisconsin Statutes, the Southeastern Wisconsin Regional Planning Commission (SEWRPC), at a meeting held on the 12th day of July 1979, duly adopted a regional water quality management plan as documented in the three-volume SEWRPC Planning Report No. 30, *A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000*; and

WHEREAS, SEWRPC has duly adopted an amendment to the Regional Water Quality Management Plan refining and detailing the Greater Kenosha sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 106, *Sanitary Sewer Service Area for the City of Kenosha and Environs, Kenosha County, Wisconsin, November 1985*, as amended; and

WHEREAS, by letter dated February 1, 2012, the Kenosha Water Utility requested that SEWRPC amend the Greater Kenosha sanitary sewer service area to include certain lands located outside of the currently adopted sewer service area: and

WHEREAS, the proposed amendment to the Regional Water Quality Management Plan is documented in a SEWRPC staff memorandum entitled, “Response to Request by the Kenosha Water Utility to Amend the Greater Kenosha Sanitary Sewer Service Area,” attached hereto and made a part hereof; and

WHEREAS, the requested change to the Regional Water Quality Management Plan, as documented in the aforementioned staff memorandum, was the subject of a public hearing held jointly by the Kenosha Water Utility and the Regional Planning Commission on March 28, 2012; and

WHEREAS, Section 66.0309(9) of the Wisconsin Statutes authorizes and empowers the Regional Planning Commission, as the work of making the whole master plan progresses, to amend, extend, or add to the master plan or carry any part or subject thereof into greater detail; and

WHEREAS, the Village staff supports the June 2012 Amendment to the Regional Water Quality Management Plan which pertains to a change in the sanitary sewer service area tributary to the City of Kenosha sewage treatment plan (*Exhibit 1*); and

WHEREAS, Chapter 5 entitled “Utilities and Community Facilities Element” of the Village’s Comprehensive Plan discusses the Greater Kenosha Sanitary Sewer Service Area; and

WHEREAS, the Village Comprehensive Plan shall be consistent with other Village adopted plans and amendments to such plans; and

WHEREAS, the Village Board of Trustees may initiate a petition for an amendment to the Village Comprehensive Plan pursuant to Chapter 390 of the Village Code of Ordinances; and

WHEREAS, on August 6, 2012 the Village Board adopted Resolution #12-23 to initiate and petition the Village to consider and adopt the June 2012 amendment to the Regional Water Quality Management Plan as a component of the Village of Pleasant Prairie, Wisconsin 2035 Comprehensive Plan; and
WHEREAS, the amendment to the Regional Water Quality Management Plan has been reviewed; and

WHEREAS, to ensure that the amendment to the Regional Water Quality Management Plan is consistent with the Village 2035 Comprehensive Plan a notation to reference the adoption of said amendment be added to the following Maps within the Comprehensive Plan: 1) Map 5.1 entitled “2010 Pleasant Prairie Sewer Utility District and Lake Michigan Sewer Utility District Boundaries”; 2) Map 5.2 entitled “Detailed Adopted Sanitary Sewer Service Areas within the Pleasant Prairie Sewer Utility District”; and 3) Map 5.3 entitled “Generalized Adopted Sanitary Sewer Service Areas and Existing Areas Served by Sewer”. (Exhibit 2)

WHEREAS, on August 10, 2012 the required 30-day notice was published in the Kenosha News related to the September 10, 2012 public hearing held by the Village Plan Commission; and

NOW THEREFORE, BE IT RESOLVED, that pursuant to Sections 62.23 (3) (b) and 66.1001 (4) (b) of the Wisconsin Statutes, the Village of Pleasant Prairie Plan Commission hereby approves the amendment to the Regional Water Quality Management Plan (Exhibit 1) as a component to the Comprehensive Plan and to add a reference on the following Maps within the 2035 Comprehensive Plan 1) Map 5.1 entitled “2010 Pleasant Prairie Sewer Utility District and Lake Michigan Sewer Utility District Boundaries”; 2) Map 5.2 entitled “Detailed Adopted Sanitary Sewer Service Areas within the Pleasant Prairie Sewer Utility District”; and 3) Map 5.3 entitled “Generalized Adopted Sanitary Sewer Service Areas and Existing Areas Served by Sewer”. (Exhibit 2)

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Village Board enact an Ordinance adopting said Regional Quality Plan and associated amendments.

Adopted this 10th day of September 2012.

ATTEST:

________________________________________
Thomas W. Terwall
Plan Commission Chairman

Donald Hackbarth
Secretary

Date Posted: _____________
AMENDMENT TO THE
REGIONAL WATER QUALITY
MANAGEMENT PLAN
GREATER KENOSHA AREA

AS ADOPTED BY THE
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION
JUNE 2012
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

KENOSHA COUNTY
Kimberly L. Breunig
Adriene Greene
Secretary
Robert W. Pilla

RACINE COUNTY
Gilbert B. Bakke
David Eberle
Peggy L. Shumway

MILWAUKEE COUNTY
William R. Drew,
Vice Chairman
John Rogers
John F. Weishan, Jr.

WALWORTH COUNTY
Charles L. Colman
Nancy Russell
Treasurer
Linda J. Seemeyer

OZAUKEE COUNTY
Thomas H. Bueschlin
William E. Johnson
Gus W. Wirth, Jr.

WASHINGTON COUNTY
Daniel S. Schmidt
Daniel W. Stoffel
David L. Stroik, Chairman

WAUKESHA COUNTY
Michael A. Crowley
Jose Delgado
James T. Dwyer

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION STAFF

Kenneth R. Yunker, PE. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Executive Director

Stephen P. Adams . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Public Involvement and Outreach Manager

Nancy M. Anderson, AICP . . . . . . . . . . . . . . . . . . . . . . . . Chief Community Assistance Planner

Michael G. Hahn, PE, PH. . . . . . . . . . . . . . . . . . . . . . . . . . Chief Environmental Engineer

Christopher T. Hiebert, PE . . . . . . . . . . . . . . . . . . . . . . . . . Chief Transportation Engineer

Elizabeth A. Larsen . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Business Manager

John G. McDougall . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Geographic Information Systems Manager

John R. Meland . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Chief Economic Development Planner

Dr. Donald M. Reed . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Chief Biologist

Donald P. Simon, RLS . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Chief Planning Illustrator

William J. Stauber . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Chief Land Use Planner
SUBJECT: Certification of Amendment to the Adopted Regional Water Quality Management Plan (Greater Kenosha Sanitary Sewer Service Area)

TO: The Legislative Bodies of Concerned Local Units of Government within the Southeastern Wisconsin Region, namely: the County of Kenosha, the City of Kenosha, and the Village of Pleasant Prairie.

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held at the Washington County Courthouse Government Center, West Bend, Wisconsin, on the 20th day of June 2012, the Commission did by unanimous vote of all Commissioners present, being 15 ayes and 0 nays, and by appropriate Resolution, a copy of which is made a part hereof and incorporated by reference to the same force and effect as if it had been specifically set forth herein in detail, adopt an amendment to the regional water quality management plan, which plan was originally adopted by the Commission on the 12th day of July 1979, as part of the master plan for the physical development of the Region. Said amendment to the regional water quality management plan pertains to the revised Greater Kenosha sanitary sewer service area and consists of the documents attached hereto and made a part hereof. Such action taken by the Commission is recorded on, and is a part of, said plan, and the plan as amended is hereby transmitted to the constituent local units of government for consideration, adoption, and implementation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and cause the Seal of the Southeastern Wisconsin Regional Planning Commission to be hereto affixed. Dated at the City of Pewaukee, Wisconsin, this 21st day of June 2012.

David L. Stroik, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Kenneth R. Yunker, Deputy Secretary
RESOLUTION NO. 2012-04


WHEREAS, pursuant to Section 66.0309(10) of the Wisconsin Statutes, the Southeastern Wisconsin Regional Planning Commission, at a meeting held on the 12th day of July 1979, duly adopted a regional water quality management plan as documented in the three-volume SEWRPC Planning Report No. 30, A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000; and

WHEREAS, the Commission duly adopted an amendment to the regional water quality management plan refining and detailing the Greater Kenosha sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 106, Sanitary Sewer Service Area for the City of Kenosha and Environs, Kenosha County, Wisconsin, November 1985, as amended; and

WHEREAS by letter dated February 1, 2012, the Kenosha Water Utility requested that the Commission amend the Greater Kenosha sanitary sewer service area to include certain lands located outside of the currently adopted sewer service area; and

WHEREAS, the proposed amendment to the regional water quality management plan is documented in a Commission staff memorandum entitled, “Response to Request by the Kenosha Water Utility to Amend the Greater Kenosha Sanitary Sewer Service Area,” attached hereto and made a part hereof; and

WHEREAS, the requested change to the regional water quality management plan, as documented in the aforementioned staff memorandum, was the subject of a public hearing held jointly by the Kenosha Water Utility and the Regional Planning Commission on March 28, 2012; and

WHEREAS, Section 66.0309(9) of the Wisconsin Statutes authorizes and empowers the Regional Planning Commission, as the work of making the whole master plan progresses, to amend, extend, or add to the master plan or carry any part or subject thereof into greater detail;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

FIRST: That the regional water quality management plan for the Southeastern Wisconsin Region, being a part of the master plan for the physical development of the Region and comprised of SEWRPC Planning Report No. 30, Volumes One, Two, and Three, which was adopted by the Commission as a part of the master plan on the 12th day of July 1979, and which was subsequently amended to include the refined Greater Kenosha sanitary sewer service area, be and the same hereby is amended in the manner identified on Map 1 of the aforementioned SEWRPC staff memorandum.

SECOND: That the Executive Director is authorized to submit findings to the Wisconsin Department of Natural Resources and the Wisconsin Department of Safety and Professional Services that public and private sanitary sewer extensions necessary to serve the anticipated development on the lands concerned are in conformance with, and would serve to implement, the adopted regional water quality management plan as herein amended.
RESOLUTION NO. 2012-04

THIRD: That a true, correct, and exact copy of this resolution, together with the aforementioned SEWRPC staff memorandum, shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies, or individuals as the law may require or as the Commission, its Executive Committee, or its Executive Director, at their discretion, shall determine and direct.

The foregoing resolution, upon motion duly made and seconded, was regularly adopted at the meeting of the Southeastern Wisconsin Regional Planning Commission held on the 20th day of June 2012, the vote being: Ayes 15; Nays 0.

David L. Stroik, Chairman

ATTEST:

Kenneth R. Yunker, Deputy Secretary
SEWRPC STAFF MEMORANDUM
RESPONSE TO REQUEST BY THE KENOSHA WATER UTILITY TO AMEND THE GREATER KENOSHA SANITARY SEWER SERVICE AREA

INTRODUCTION

By letter dated February 1, 2012, the Kenosha Water Utility requested that the Southeastern Wisconsin Regional Planning Commission amend the Greater Kenosha sanitary sewer service area tributary to the City of Kenosha wastewater treatment plant. That area is currently documented in a SEWRPC report titled Amendment to the Regional Water Quality Management Plan—Greater Kenosha Area, dated December 2001, as amended. The basic purpose of this amendment would be to include within the planned Greater Kenosha sewer service area certain lands located immediately adjacent to, but outside, the currently adopted sewer service area, including land in the Village of Pleasant Prairie and the City of Kenosha.

AREA DESCRIPTION

Two areas, designated Area A and Area B on Map 1, are proposed to be added to the Greater Kenosha sanitary sewer service area:

**Area A**
Area A encompasses about 59 acres located generally north of CTH K and west of IH 94 in the City of Kenosha. It includes about 14 acres of land located within existing street rights-of-way; five acres of small wetlands as identified in the Wisconsin Wetlands Inventory; and 40 acres of other open land. Area A does not encompass any lands that have been identified as environmental corridor or isolated natural resource area. It is envisioned that Area A would be developed for commercial use.

**Area B**
Area B encompasses about 27 acres located generally east of the intersection of CTH CJ and CTH U in the Village of Pleasant Prairie. It does not encompass any areas that have been identified as environmental corridor or isolated natural resource area, nor does it include any wetlands as identified in the Wisconsin Wetlands Inventory. It is envisioned that Area B would accommodate a large product distribution facility, which would be developed on Area B and land to the east of Area B.

More detailed delineations of Areas A and B and of environmentally significant lands in the vicinity of each area are shown on the aerial photographs reproduced as Maps 2 and 3. The environmentally significant lands shown on Maps 2 and 3 have been updated to reflect the most recent available natural resource and floodplain information.

RELATIONSHIP OF THE PROPOSED CHANGES TO THE EXISTING SANITARY SEWER SERVICE AREA

The proposed addition of 86 acres to the Greater Kenosha sanitary sewer service area represents an increase in the Planned sewer service area of less than 1 percent.

WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the Greater Kenosha sanitary sewer service area plan, it is envisioned that all new urban development within the planned urban service area would receive sanitary sewer service. Assuming that all applicable Federal, State, and local permits are obtained and that proper site development and construction practices are employed, there should be no significant adverse water quality impacts attributable to the development of the planned sanitary sewer service area.
SEWAGE TREATMENT PLANT CAPACITY ANALYSIS

The City of Kenosha wastewater treatment plant has a capacity of about 28.6 millions of gallons per day (mgd) of wastewater on an average annual basis. The current hydraulic loading to the plant is about 22.9 mgd on an average annual basis. The anticipated flow to be generated from the commercial development expected to be accommodated in Area A and the distribution facility expected to be located in part in Area B is about 0.03 mgd. Thus, the treatment plant has adequate capacity to treat wastewater flows from the areas proposed to be added to the sewer service area.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on March 28, 2012, at the Kenosha Municipal Building to receive public comment on, and reaction to, the proposed sewer service area amendment. The hearing was sponsored by the Kenosha Water Utility and the Regional Planning Commission. A summary of the amendment was presented prior to receiving public comment. No objections to the proposed amendment were expressed at the hearing.

LOCAL ACTION ON THE PLAN AMENDMENT

The Board of Commissioners of the Kenosha Water Utility approved the amendment following the public hearing on March 28, 2012.

CONCLUDING RECOMMENDATION

The Regional Planning Commission's evaluation of proposed sanitary sewer service area amendments includes a consideration of whether the amendment is consistent with the regional land use plan, the regional water quality management plan, and the provisions of the Wisconsin Administrative Code governing water quality management plans, and whether established procedures for amending sewer service areas have been followed.

- **Consistency with the Regional Land Use Plan**
  The regional land use plan recommends that, in addition to the infilling and redevelopment of existing urban centers, new urban development within the Region be accommodated through the orderly expansion of existing urban centers in locations and at densities which can be efficiently served by basic urban facilities, including sanitary sewer service, with the overall amount of new urban development consistent with projected growth in population and the economic base. The regional land use plan further recommends the preservation of primary environmental corridors and that consideration be given to the preservation of secondary environmental corridors and isolated natural resource areas. The proposed sewer service area amendment is consistent with these recommendations of the regional land use plan.

- **Consistency with the Regional Water Quality Management Plan**
  The regional water quality management plan recommends that new urban development within the Region be provided with centralized sanitary sewer service. The plan designates a wastewater treatment plant to serve each of the urban centers within the Region that are identified in the regional land use plan. In the case at hand, the regional plan recommends that the Kenosha urban service area be served through the Kenosha sewerage system. The proposed sewer service area amendment is consistent with these recommendations of the regional water quality management plan.

- **Consistency with Chapter NR 121 of the Wisconsin Administrative Code**
  Chapter NR 121 of the Wisconsin Administrative Code governs the preparation of areawide water quality management plans, including the component sewer service area plans. The code requires that sewer service areas be determined in a way that promotes cost-effective and environmentally sound waste
collection and treatment and that is consistent with 20-year population projections. Under the code, sewer service area plans must identify lands that are to be excluded from sewer service because of physical or environmental constraints or potential adverse water quality impacts. The proposed sewer service area amendment is consistent with these provisions of the *Wisconsin Administrative Code*.

**Consistency with Procedural Requirements**
As carried out by the Regional Planning Commission, the sewer service area amendment process must begin with a request to the Commission from the agency responsible for operation of the tributary wastewater treatment plant to process the amendment. A public hearing must be held on the proposed amendment; the hearing is jointly sponsored by the Regional Planning Commission and the requesting agency or unit of government. Subsequent to the public hearing, the requesting agency or unit of government must act to approve the amendment as presented at the hearing, approve a modified amendment, or deny the amendment. Only after approval by the requesting agency or unit of government will the proposed amendment be considered for adoption by the Regional Planning Commission as an amendment to the areawide water quality management plan. All of the Commission’s procedural requirements have been met for this amendment.

Given all of the foregoing, it is recommended that the Southeastern Wisconsin Regional Planning Commission formally amend the Greater Kenosha sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 106, in the manner shown on Map 1. It is also recommended that the Wisconsin Department of Natural Resources approve this sewer service area plan amendment and certify the plan amendment through the Governor to the U.S. Environmental Protection Agency.
Map 2

ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED SANITARY SEWER SERVICE AREA FOR THE GREATER KENOSHA AREA

U.S. Public Land Survey Section 36
Township 2 North, Range 21 East

Source: SEWRPC.
Map 3
ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED SANITARY SEWER SERVICE AREA FOR THE GREATER KENOSHA AREA

U.S. Public Land Survey Section 25
Township 1 North, Range 21 East

Source: SEWRPC.

Restrictions on Sewered Development

Portions of secondary environmental corridors and isolated natural resource areas within the planned sanitary sewer service area which contain wetlands, shorelines, and steep slopes. The extension of sewers to serve new development in these areas is not permitted.

NOTE: This map replaces a portion of Map 4, page 7, of SEWRPC Amended to the Regional Water Quality Management Plan, Greater Kenosha Area, June 2007.
MAP 5.1
2010 PLEASANT PRAIRIE SEWER UTILITY DISTRICT AND LAKE MICHIGAN SEWER UTILITY DISTRICT BOUNDARIES

Note: Areas within the Pleasant Prairie district shown on this may be ineligible for sewer service due to the presence of primary environmental corridors, wetlands or steep slopes.

Refer to amendment to the Regional Water Quality Management Plan for the Greater Kenosha Area adopted on ______, 2012 by Ordinance #12-____ to show amended boundary of the Pleasant Prairie District.
MAP 5.2
DETAILED ADOPTED SANITARY SEWER SERVICE AREAS
WITHIN THE PLEASANT PRAIRIE SEWER UTILITY DISTRICT

Note: Areas within the Pleasant Prairie district shown on this map may be ineligible for sewer service due to the presence of primary environmental corridors, wetlands or steep slopes.

Refer to amendment to the Regional Water Quality Management Plan for the Greater Kenosha Area adopted on __________, 2012 by Ordinance #12-____ to show amended boundary of the Pleasant Prairie District.

Source: Village of Pleasant Prairie

0 1 2 Miles

CONTINENTAL divide
LUSA
PLEASANT PRAIRIE DISTRICT
PRIMARY ENVIRONMENTAL CORRIDOR

Village of Pleasant Prairie, Wisconsin 2035 Comprehensive Plan
136
MAP 5.3
GENERALIZED ADOPTED SANITARY SEWER SERVICE AREAS
AND EXISTING AREAS SERVED BY SEWER

- EXISTING SEWAGE TREATMENT PLANT
- PROPOSED TO BE ABANDONED BY DECEMBER 31, 2010
- EXISTING SEWAGE TREATMENT PLANT
- SUBCONTINENTAL DIVIDE
- SURFACE WATER
- AREA SERVED BY SEWER: 2000
- ADOPTED SANITARY SEWER SERVICE AREAS (MARCH 2007)
- GREATER KENOSHA

Source: SEWRPC.

Note: Refer to amendment to the Regional Water Quality Management Plan for the Greater Kenosha Area adopted on August 21, 2012 by Ordinance #12-13 to show amended boundary of the Pleasant Prairie District.

Note: Areas within the sewer service areas shown on this map may be ineligible for sewer service due to the presence of primary environmental corridor, wetlands, or steep slopes.

Although the Greater Kenosha sewer service area includes a small portion of the Town of Paris, the Paris Town Board did not adopt the sewer service area plan, and does not support the inclusion of lands in the Town in the sewer service area.
E. PUBLIC HEARING AND CONSIDERATION OF AN AMENDMENT TO CONDITIONAL USE PERMIT #12-05 (including Site and Operational plans) for the request of William Faber, agent for Skyfield Partners, LLC, agent, representing AT&T Mobility for the approval of an amendment to **Conditional Use Permit #12-05 including Site and Operational Plans** to include the installation of an additional microwave dish antenna to be mounted on the existing tower at 140 feet as part of the antennas upgrade of the existing cell tower located at 8851 Green Bay Road on property owned by Uttech Tower Land LLC, as approved by the Plan Commission on June 11, 2012.

**Recommendation:**

Village staff recommends that the Plan Commission approve the **amendment to Conditional Use Permit #12-05 and Site and Operational Plans** to include the installation of an additional microwave dish antenna to be mounted on the existing tower at 140 feet as part of the antennas upgrade of the existing cell tower located at 8851 Green Bay Road on property owned by Uttech Tower Land LLC, as approved by the Plan Commission on June 11, 2012 subject to the attached comments and conditions of the Village Staff Report of September 10, 2012.
VILLAGE STAFF REPORT OF JUNE 11, 2012

CONSIDERATION OF AN AMENDMENT TO CONDITIONAL USE PERMIT #12-05 (including Site and Operational plans) for the request of William Faber, agent for Skyfield Partners, LLC, agent, representing AT&T Mobility for the approval of an amendment to Conditional Use Permit #12-05 including Site and Operational Plans to include the installation of an additional microwave dish antenna to be mounted on the existing tower at 140 feet as part of the antennas upgrade of the existing cell tower located at 8851 Green Bay Road on property owned by Uttech Tower Land LLC, as approved by the Plan Commission on June 11, 2012.

PUBLIC HEARING COMMENTS:
As a part of the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below:

Findings of Fact

1. AT&T Mobility is requesting to amend Conditional Use Permit #12-05 including Site and Operational Plans as approved by the Plan Commission on June 11, 2012 to include the installation of an additional microwave dish antenna to be mounted on the existing tower at 140 feet as part of the antennas upgrade of the existing cell tower located at 8851 Green Bay Road on property owned by Uttech Tower Land LLC. See Exhibit 1.

2. On June 11, 2012, the Plan Commission approved Conditional Use Permit #12-05 including Site and Operational Plans for AT&T Mobility to remove six (6) existing older model panel antennas and add three (3) new LTE/4G panel antennas; to add three (3) new Remote Radio Units on the same bracket as the new antennas; and to install new fiber optic cable into the existing equipment shelter for streaming large amounts of data that will require a new fiber slack box to be placed on the existing ice bridge to store the extra fiber cable; and to install a new GPS antenna for the new LTE system on the existing ice bridge. See Exhibit 2 (CUP #12-05) and Exhibit 3 (approved Site and Operational Plans).

3. The subject property is located in a part of the Southwest One-Quarter of U.S. Public Land Survey Section 15, Township 1 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin and further identified as Tax Parcel Number 92-4-122-153-0020.

4. The area of the subject property where the commercial communication structure is located is zoned I-1, Institutional District and a portion of the property near the structure site is located within the 100-year floodplain. A commercial communication structure (e.g. cell tower) and associated equipment and any modifications are allowed with approval of a Conditional Use Permit in the I-1 District.

5. The Communication Act of 1934 is the Federal regulation, which governs the telecommunications industry; Section 322 of said Act, as amended by subsection (6) (iv) of the Telecommunications Act of 1996, provides guidelines to state and local governments regarding the citing of antenna facilities. One such guideline governs what information may be considered during the zoning approval process. That is, as long as the antenna facility complies with emissions standards established by the Federal Communications Commission (FCC) in Section 704(b), it is considered that there are no health or safety risks posed by the equipment. Specifically, local Zoning Authorities (Plan Commissions) may not directly or indirectly consider health and safety issues during the zoning process when considering a telecommunications facility, which falls under this Section. Pursuant to the Village Attorney, Section 704
of the 1996 Telecommunications Act prohibits the state/local units of government from denying a wireless communication company's request for local zoning approval based upon environmental or health effects/concerns if the wireless communication company complies with the regulations on RF emissions set by the FCC. In addition, Public Law 104-104 approved by Congress in 2011, in part superseded Section 322 (c) (7) of the Telecommunications Act states that a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base.

6. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on August 23, 2012 regarding this public hearing for the proposed amendment. Notices were published in the Kenosha News on August 27, and September 3, 2012.

7. The Village emailed the petitioner a copy of this staff report on September 7, 2012.

8. According to the Article XVIII of the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials that the project as planned, will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other applicable Federal, State or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, noise, storm water management, streets and highways and fire protection.

**Village Staff Findings, Conclusions and Recommendations: (to be read out loud)**

*The Village staff has determined that based upon the foregoing information presented in the application that the project meets the following standards for granting a Conditional Use Permit in that:*

a. The project does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and the traffic patterns on the site do not hinder, harm or distract the provisions of public services.

b. The project does not impair an adequate supply of light and air to the adjacent properties.

c. The project does not increase danger of fire.

d. The project does not create storm water flooding or drainage, create obnoxious odors, problems or otherwise endanger the public health, safety or welfare.

e. There are no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency that would endanger the public's health, safety or welfare related to the proposed use.

f. The proposed and applied for use on this particular parcel is not inherently inconsistent with the I-1, Institutional District in which it is located or the adjoining zoning districts and land uses.

3
Based on the foregoing information, the Village staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for granting of a Conditional Use Permit as specified above--then the amended Conditional Use Permit #12-05 including Site and Operational Plans shall be approved subject to the following conditions:

1. Subject to the existing conditions specified in Conditional Use Permit #12-05 based on the June 11, 2012 Plan Commission approval (Exhibit 2).

2. A revised structural analysis shall be provided to the Village for review. Any improvements to the tower shall be required to ensure that the new equipment can be supported on the existing tower. AT&T Mobility and the property owner shall indemnify and hold the Village harmless for any design failures or associated damages that may result from any design failures.

3. The proposed amended antenna improvements shall comply with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) requirements.

4. **Upon completion of the structural changes to the tower, certification (stamped and sealed) shall be submitted to the Village from the design engineer that all structural changes have been made in accordance with the approved plans and structural analysis report.**

5. **Upon approval of the amendment to Conditional Use Permit#12-05, an amended document will be prepared to be executed by the property owner and a representative from AT&T Mobility prior to issuance of the required permits. After the amended document is executed, it shall be recorded at the Kenosha County Register of Deeds office.**

6. **The petitioner shall provide the Village with the name and title of the authorized person(s) for AT&T Mobility, the tower tenant, for the Village to prepare the required amended Conditional Use Grant Document.**

7. This Conditional Use Grant shall become effective upon the execution and recording of said document and shall constitute an effective covenant running with the land.

8. Construction and operation of the use granted shall be in strict conformity to the approved plans filed in connection with the petition for this permit. Violations of these conditions may result in the revocation of the conditional use permit or zoning violation prosecution, or both.

9. Permits (commercial Communication structure permit and an electrical permit) shall be obtained from the Village prior to commencing work.

10. The property owner/lessee shall comply with all provisions of the Conditional Use Permit and Site & Operational Plan submittal, including compliance with the Village Performance Standards.

11. Operation of the use granted herein shall be in strict conformity to both plans and documents filed and approved in connection with the petition for Site and Operational Plan approval. Any violation of these conditions may result in the revocation of the approval or zoning violation prosecution, or both.

12. No use shall be conducted in such a way as to constitute a public or private nuisance or to violate any of the performance standards set out in Section 420-38 of the Village Zoning Ordinance.
13. The Conditional Use Grant is subject to amendment and termination in accordance with the provisions of the Village General Zoning and Floodplain/Shoreland Zoning Ordinance.

14. All plans and the proposed and applied for use shall conform to applicable Village Ordinance requirements, and to all other applicable local, County, State and Federal requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, noise, streets and highways and fire protection; and in the event of conflicting requirements or standards, the most restrictive shall apply.
August 16th 2012

Peggy Herrick
Assistant Planner and Assistant Zoning Administrator
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158

Jean Werbie-Harris
Community Development Director
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158

RE: Amendment of AT&T Mobility Conditional Use Application to Incorporate Installation of One (1) Microwave Antenna at the Height of 140 feet (Tax Parcel Number: 92-4-122-153-0020/8851 Old Green Bay Road); AT&T W10013

Dear Ms. Herrick and Ms. Werbie-Harris,

As you are aware, AT&T Mobility submitted a Conditional Use Permit including Site and Operation Plans Application package to the Village of Pleasant Prairie and went before the Village Plan Commission on June 11th, 2012. The proposed scope of work consisted of replacing the existing six (6) panel antennas and installing three (3) additional panel antennas, three (3) Remote Radio Units (RRUs), installation of new fiber optic cables and GPS antenna. AT&T Mobility received conditional use approval via the Conditional Use Document #12-05. AT&T Mobility has fulfilled all of the conditions and is in the process of submitting its completed Village of Pleasant Prairie Building Permit Application. Two (2) sets of construction drawings, and Forty Dollar ($40.00) Conditional Use Document recordation fee to obtain Building Permit. Issuance of the Building Permit will finalize AT&T Mobility’s Village approval for the above scope of work.

In addition, as a result of advances in technology AT&T Mobility is seeking to amend its petition to include the installation of an additional microwave dish antenna to be mounted at the 140’ level. The Village has generously agreed to allow AT&T Mobility to amend its original approval and go before the Plan Commission on September 10th, 2012 by providing (8) sets of signed and stamped construction drawings, two (2) sets of signed and stamped structural analysis, and this letter explaining the request the request.

Please contact William Faber at (630) 440-4781 if you have any questions or require any additional information.

Sincerely,

William Faber
Skyfield Partners, LLC
3055 W. 111th Street
Chicago IL 60655
Integrated Installation with Two Antennas

Needed equipment:
- Two RAU Kits
- Two ANTs

Integrated and Separate Installation with One Antenna

Needed equipment:
- Four RAU Kits
- One ANT HPX
- Two Kits for Separate Installation
- Two IPS2
Product Specifications

Andrew Solutions
800 mm | 2.6 ft VHA Line® High Performance Low Profile Antenna, dual-polarized, 10.700–11.700 GHz, CPW IQ, white antenna, polymer white radome without flash, standard pack—sleeve reflector

General Specifications

- **Packing**: Standard pack
- **Radome Color**: White
- **Radome Material**: Polymer
- **Reflector Construction**: One-piece reflector
- **Antenna Input**: CPR/ROG
- **Antenna Color**: White
- **Antenna Type**: VHURP® - VHA Line® High Performance Low Profile Antenna, dual-polarized
- **Diameter, nominal**: 800 mm | 2.6 ft
- **Flash Included**: No
- **Polarization**: Dual

Electrical Specifications

- **Beamwidth, Horizontal**: 2.2°
- **Beamwidth, Vertical**: 2.2°
- **Cross Polarization Discrimination (XPD)**: 30 dB
- **Electrical Compliance**: ETSI 302 217 Class 2 | ETSI 302 217 Class 2 | US FCC Part 101A
- **Gain, Low Band**: 38.9 dBi
- **Gain, Mid Band**: 37.4 dBi
- **Gain, Top Band**: 36.3 dBi
- **Operating Frequency Band**: 10.700 – 11.700 GHz
- **Return Loss**: 17.7 dB
- **VSWR**: 1.30

Mechanical Specifications

- **Fine Azimuth Adjustment**: 410°
- **Fine Elevation Adjustment**: 425°
- **Mounting Pipe Diameter**: 50 mm–115 mm | 2.0 in–4.5 in
- **Net Weight**: 22 kg | 49 lb
- **Side Struts, Included**: No
- **Wind Velocity Operational**: 200 km/h | 124 mph
- **Wind Velocity Survival Rating**: 250 km/h | 155 mph

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Page 1 of 5

Page 3 of 5

ANTENNA SPECIFICATIONS
Installation Instructions

Valuinline™ Antenna Mount

7

Elevation Adjustment

Pole to be structural engineer approved rigid structural support

Secure all parts are seated correctly.

Adjuster bolt

Secure all parts are seated correctly.

60-120m pole application

90-240m pole application

Pole to be structural engineer approved rigid structural support

7a

ANTENNA MOUNTING DETAILS
## MW Data Sheet

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### Affected Sites

- **PCN Required (Y/N):** Y
- **Y Diversity:** N
- **Compliance Assessment Required (Y/N):** N
- **N Field Study Required:** Y

### Circuitry (Transport) Requirement

**Scope of Work (SOW) Summary:** NEW MICROWAVE INSTALL FOR ETHERNET TO CELL SITE PROJECT

### Detailed Design Information

#### Drain Site

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VILLAGE OF PLEASANT PRAIRIE
CONDITIONAL USE GRANT NO. 12-05

Before the Village of Pleasant Prairie Plan Commission, Kenosha County, Wisconsin, in regard to the property located 8851 Old Green Bay Road.

Return to:
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158

Tax Parcel Number:
92-4-122-153-0020.

Legal Description:

That part of the West ½ of the Southwest ¼ of Section 15, Township 1 North, Range 22 East, Town of Pleasant Prairie, County of Kenosha, State of Wisconsin, bounded and described as follows:

Commencing at the West ¼ corner of said Section 15, thence South 89° 53’ 14” East along the East-West ¼ Section line 646.96 feet to the East Right-of-Way line of S.T.H. 31, thence North 2° 45’ 01” West along the East line of said highway 87.37 feet; thence South 83° 32’ 41” East 235.71 feet; thence South 47° 43’ 35” East 101.76 feet; thence South 86° 40’ 15” East 204.22 feet; thence South 00° 06’ 46” West 81.46 feet to the point of the beginning of the land to be described; thence South 89° 53’ 14” East parallel with the East-West ¼ Section line of said Section 70.00 feet; thence South 00° 06’ 46” West 100.00; thence North 89° 53’ 14” West parallel with said East-West ¼ Section line 100.00 feet; thence North 00° 06’ 46” East 100.00 feet; thence South 89° 53’ 14” East parallel with the East-West ¼ Section line of said section 30.00 feet to the point of beginning.

WHEREAS, the Zoning Code and Zoning District Map of the Village of Pleasant Prairie, pursuant to State Statute, provides that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the Village of Pleasant Prairie as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and

WHEREAS, such petition having been made for AT&T Mobility to remove six (6) existing panel antennas; to install three (3) new LTE/4G panel antennas; to install three (3) new Remote Radio Units on the same bracket as the new antennas; to install new fiber optic cable into the existing equipment shelter for streaming large amounts of data that will require a new fiber slack box to be placed on the existing ice bridge to store the extra fiber cable; and to install a new GPS antenna for the new LTE system on the existing ice bridge at the facility located on said property and public hearing held thereon, and the Village Plan Commission having determined that by reason of the particular nature, character and circumstances of the proposed use, and of the specific and contemporary conditions, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance. Specifically, based upon the information presented at the public hearing, in particular the memorandum from the Village Fire & Rescue Department that the project meets the following standards for granting a Conditional Use Permit in that the project/use:
does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and the traffic patterns on the site do not hinder, harm or distract the provisions of public services.

- does not impair an adequate supply of light and air to the adjacent properties.

- does not increase danger of fire.

- does not create storm water flooding or drainage, create obnoxious odors, problems or otherwise endanger the public health, safety or welfare.

- has no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency that would endanger the public's health, safety or welfare related to the proposed use.

- is not inherently inconsistent with the I-1, Institutional District in which it is located or the adjoining zoning districts and land uses.

NOW THEREFORE, a Conditional Use Permit is granted, subject to compliance with the terms and conditions hereinafter stated for AT&T Mobility to remove six (6) existing panel antennas; to install three (3) new LTE/4G panel antennas; to install three (3) new Remote Radio Units on the same bracket as the new antennas; to install new fiber optic cable into the existing equipment shelter for streaming large amounts of data that will require a new fiber slack box to be placed on the existing ice bridge to store the extra fiber cable; and to install a new GPS antenna for the new LTE system on the existing ice bridge at the facility located on said property.

1. Subject to compliance with the Site and Operational Plans as conditionally approved by the Plan Commission on June 11, 2012.

2. The structural upgrades are required as indicated in the Black and Veatch structural analysis dated April 2, 2012. The plans note the upgrade requirements to the contractor on Sheet A2.0 of the AT&T plans, entitled 2012 LTE Wave 3, Option 1 [PTN: 3352326749].

3. AT&T Mobility and the property owner shall indemnify and hold the Village harmless for any design failures or associated damages that may result from any design failures.

4. The gate in the fence enclosure is required closed and secure at all times.

5. No land surface grades shall be altered as part of this project; however, landscaping (low maintenance bushes) are required to be installed adjacent to the fence area as shown on the approved Site and Operational Plans.

6. The required landscaping shall be installed prior to the Village issuing the required certificate of compliance for the project.

7. The fence enclosure shall continue to be secured with the existing Village approved Knox padlock to allow access to the site in the event of an emergency by the Village Fire & Rescue Department.

8. Subject to compliance with the attached conditions from Ken Robers, Senior Building Inspector for the Village Building Inspection Department dated May 23, 2012.

9. The proposed antenna improvements shall comply with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) requirements.

10. The site shall be maintained which shall include regular mowing of the grass areas and maintaining the required landscaping around the base of the fence within the leased easement area.
11. The hours of construction activity, operating heavy machinery or equipment associated with the grading, erosion control device installation, and overall site development shall be limited to Monday through Friday from 7:00 a.m. to 9:00 p.m. and Saturday and Sunday from 8:00 a.m. to 6:00 p.m.

12. No other changes to the site, building or tower shall be made without the Village’s approval. In addition, any addition, alteration, extension, expansion or other proposed change (e.g. the addition antennae) in the approved operation shall be subject to the Village’s Conditional Use procedures as if such use were being established anew.

13. **Upon completion of the structural changes to the tower, certification (stamped and sealed) shall be submitted to the Village from the design engineer that all structural changes have been made in accordance with the approved plans and structural analysis report dated April 2, 2012.**

14. This Conditional Use Grant shall become effective upon the execution and recording of said document and shall constitute an effective covenant running with the land.

15. Construction and operation of the use granted shall be in strict conformity to the approved plans filed in connection with the petition for this permit. Violations of these conditions may result in the revocation of the conditional use permit or zoning violation prosecution, or both.

16. Permits shall be obtained from the Village prior to commencing work.

17. The property owner/lessee shall comply with all provisions of the Conditional Use Permit and Site & Operational Plan submittal, including compliance with the Village Performance Standards.

18. Operation of the use granted herein shall be in strict conformity to the revised plans and documents filed and approved in connection with the petition for Site and Operational Plan approval. Any violation of these conditions may result in the revocation of the approval or zoning violation prosecution, or both.

19. No use shall be conducted in such a way as to constitute a public or private nuisance or to violate any of the performance standards set out in Section 420-38 of the Village Zoning Ordinance.

20. The Conditional Use Grant is subject to amendment and termination in accordance with the provisions of the Village General Zoning and Floodplain/Shoreland Zoning Ordinance.

21. All plans and the proposed and applied for use shall conform to applicable Village Ordinance requirements, and to all other applicable local, County, State and Federal requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, noise, streets and highways and fire protection; and in the event of conflicting requirements or standards, the most restrictive shall apply.

**Granted by the action of the Village of Pleasant Prairie Plan Commission the 11th day of June 2012.**

______________________________
Thomas W. Terwall

ATTEST: Plan Commission Chairman
ACKNOWLEDGMENT

STATE OF __________) SS
___________ COUNTY)

This instrument was acknowledged before me in ________________ (city)
_______________ (state), on this _____ day of __________, 2012 by
Debra A. Landers, Managing Member of Uttech Tower Land, LLC.

_______________________________________
Print Name: ____________________________
Notary Public, ________________ County, _____
My Commission Expires:___________________
TENANT: AT&T

__________________________________
JC Mayfield
Site Acquisition Project Manager

ACKNOWLEDGMENT
STATE OF ___________)  SS
______________ COUNTY)
This instrument was acknowledged before me in ______________ (city)
___________________________(state), on this _____ day of __________, 2012 by JC
Mayfield, Site Acquisition Project Manager for AT&T.

_______________________________
Print Name: _______________________
Notary Public, _________________ County, ___
My Commission Expires:______________

THIS INSTRUMENT WAS DRAFTED BY:
Jean M. Werbie-Harris
Community Development Director
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, Wisconsin 53158
MEMORANDUM

TO: Peggy Herrick, Assistant Planner

FROM: Ken Robers, Senior Building Inspector

SUBJECT: Comments/Conditions for Installation of 9 replacement antennas to existing tower, at Uttech property on Old Green Bay Road for AT&T.

DATE: May 23, 2012

The following are my comments/conditions:

1. The Village of Pleasant Prairie has adopted The 2006 International Commercial Building Code.
2. The Cell Tower antenna addition does not require state approval.
3. Access shall be maintained for emergency service to the buildings, i.e. daisy chain the contractor’s gate lock with the Village’s Fire and Rescue gate lock.
4. A commercial electrical permit is required to be obtained by a Village licensed Electrical Contractor for any electrical work other than the antenna’s and associated cabling.
5. All requirements of the Wisconsin state electrical code, volume 2, chapter Comm 16 shall be complied with.
6. Any deviation from the approved plans must be reviewed and approved prior to installation or construction.

Should you have any questions, please contact me directly.

*   *   *   *

G:\INSPECTR\COMMER.CON\2012\AT&T SOP.DOC
NOTES:
1. ALL POST AND CABLE MOUNTS SHALL BE SECURED USING WIRE-ROPE HANGERS AND SIDGE WIRE.
2. COORDINATES UNLESS OTHERWISE SPECIFIED.
3. FOR THE FOLLOWING WIRE-MOUNTING, THE MOUNTING POINTS MUST BE SECURED WITH BRACKETS TO PER THE SPECIFICATIONS.
4. ALL CABLES MUST BE SECURED WITH WIRE-ROPE HANGERS AND SIDGE WIRE.
5. THE CABLE MOUNTING MUST BE SECURED WITH BRACKETS TO PER THE SPECIFICATIONS.
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### Cable Warning Color Convention Table

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<th>A-3</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>D-1</th>
<th>D-2</th>
<th>D-3</th>
<th>E-1</th>
<th>E-2</th>
<th>E-3</th>
<th>F-1</th>
<th>F-2</th>
<th>F-3</th>
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<tbody>
<tr>
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<td>MED</td>
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</tr>
</tbody>
</table>

### Cable Marking Task

1. **Power Wiring Requirements:** All cables must be identified with a metal wire, color-coded, or labeled in some manner. Cables installed in the field must be labeled at the site of installation. Cables used in the field must be labeled with the field number, and the type of cable used. The label must be attached to the cable at the site of installation. Cables used in the field must be labeled with the field number, and the type of cable used. The label must be attached to the cable at the site of installation.

2. **Cable Warning Color Coding:**
   - **RED:** Warning cable.
   - **WHITE:** Power cable.
   - **BLUE:** Data cable.
   - **SLATE:** Ground cable.
   - **BROWN:** Shield cable.
   - **VIOLET:** Test cable.

### Antenna Orientation

**Figure 1:** Antenna Orientation

<table>
<thead>
<tr>
<th>Orientation</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Vertical</td>
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<tr>
<td>A-2</td>
<td>Horizontal</td>
</tr>
<tr>
<td>A-3</td>
<td>Diagonal</td>
</tr>
</tbody>
</table>

### Coax Color Coding

- **Orange:** Coax-1
- **Yellow:** Coax-2
- **Blue:** Coax-3
- **Red:** Coax-4
- **Green:** Coax-5
- **White:** Coax-6

### CABLE WARNING LOCATION TABLE

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>coax-1 top connector (with 1/4&quot;-28 thread)</td>
</tr>
<tr>
<td>B-2</td>
<td>coax-2 top connector (with 1/4&quot;-28 thread)</td>
</tr>
<tr>
<td>C-1</td>
<td>coax-3 top connector (with 1/4&quot;-28 thread)</td>
</tr>
<tr>
<td>C-2</td>
<td>coax-4 top connector (with 1/4&quot;-28 thread)</td>
</tr>
<tr>
<td>C-3</td>
<td>coax-5 top connector (with 1/4&quot;-28 thread)</td>
</tr>
<tr>
<td>D-1</td>
<td>coax-6 top connector (with 1/4&quot;-28 thread)</td>
</tr>
</tbody>
</table>

### Antenna Platform Assignment

**Figure 2:** Antenna Platform Assignment

- **A5.0:** Antenna platform assignment.
<table>
<thead>
<tr>
<th>Fiber Cable No.</th>
<th>Technology</th>
<th>Make</th>
<th>Section</th>
<th>Run Number</th>
<th>Macro Name</th>
<th>DC Trench</th>
<th>Trench Dept.</th>
<th>DC Splice Unit</th>
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<td>MAIN A-1</td>
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<td>MAIN B-1</td>
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<td>B1</td>
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<tr>
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<tr>
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<td>12</td>
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<td>C1</td>
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<td>SPARE C</td>
<td>BLUE TRENCH</td>
<td>FUTUREA</td>
<td></td>
</tr>
</tbody>
</table>
THESE ITEMS ARE RELATED AND WILL BE DISCUSSED AT THE SAME TIME
HOWEVER SEPARATE ACTION IS REQUIRED.

F. Consider the discontinuance of a portion of 120th Avenue (West Frontage Road) north of 104th Street which has been relocated as a part of the IH-94 reconstruction.

Recommendation:
Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the discontinuance of a portion of 120th Avenue (West Frontage Road) north of 104th Street which has been relocated as a part of the IH-94 reconstruction subject to the comments and conditions of the Village Staff Report of September 10, 2012.

G. Consider approval of the Certified Survey Map for KABA Development LLC, owner, to dedicate a portion of 120th Avenue (West Frontage Road) north of 104th Street which was relocated as a part of the IH-94 reconstruction.

Recommendation:
Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Certified Survey Map subject to the comments and conditions of the Village Staff Report of September 10, 2012.
VILLAGE STAFF REPORT OF SEPTEMBER 10, 2012

Consider the **discontinuance** of a portion of 120th Avenue (West Frontage Road) north of 104th Street which has been relocated as a part of the IH-94 reconstruction.

Consider approval of the **Certified Survey Map** for KABA Development LLC, owner, to dedicate a portion of 120th Avenue (West Frontage Road) north of 104th Street which was relocated as a part of the IH-94 reconstruction.

**THESE ITEMS ARE RELATED AND WILL BE DISCUSSED AT THE SAME TIME HOWEVER SEPARATE ACTION IS REQUIRED.**

On August 6, 2012 the Village Board approved Resolution #12-24 to initiate the discontinuance of a portion of 120th Avenue (West Frontage Road) right-of-way north of 104th Street, which has been designated as a public right-of-way. This portion of 120th Avenue (West Frontage Road) has been reconstructed as part of the IH-94 reconstruction project and the existing right-of-way is no longer required for roadway purposes. Municipal sanitary sewer and water infrastructure that was constructed in said right-of-way to be discontinued would remain with an easement granted to the Village.

On August 24, 2012 all required property owners were notified via regular mail; and the required Class 3 notice was published in the Kenosha News on August 27, September 3 and September 10, 2012 to notify the public of the Public Hearing being held by the Village Board on September 17, 2012.

The land on both sides of the proposed street discontinuance is owned by KABA Development LLC. Therefore, upon vacation of this portion of 120th Avenue the land will be transferred to KABA Development LLC.

In addition to the proposed discontinuance of this portion of the street the Village and KABA are requesting approval of a Certified Survey Map that will dedicate the reconstructed 120th Avenue. The area to the north and west of the reconstructed 120th Avenue (West Frontage Road) is identified as Lot 1 and the land to the south and east of the reconstructed 120th Avenue (West Frontage Road) is identified as Lot 2.

Lot 1 is proposed to be 10.69 acres and Lot 2 is proposed to be 29.48 acres. The required easements for the existing sewer and water infrastructure will be clearly shown on Lot 2.

Prior to the development of Lots 1 and 2, a revised Conceptual Plan shall be submitted and amendments to the Planned Development District No. 1 (PDD-1) may be required. Upon review of the Conceptual Plan amendments to the 2035 Comprehensive Land Use Plan and the Village Zoning Map may also be required prior to the development of the lots.

**Recommendations:**

Village staff recommends that the Village Board approve the **discontinuance** of a portion of 120th Avenue (West Frontage Road) north of 104th Street which has been relocated as a part of the IH-94 reconstruction provided that easements are granted to the Village for the existing sewer and water infrastructure.
Village staff recommends that the Village Board approve the **Certified Survey Map** subject to the comments above and the following conditions:

1. The following Dedication and Easement provisions shall be added to the CSM:
   
   1. A perpetual nonexclusive easement coextensive with the recently vacated West Frontage Road (120th Avenue) area shown as a Dedicated Public Sanitary Sewer and Water Main, Access and Maintenance Easement on this Certified Survey Map (CSM) is hereby being dedicated, given, granted and conveyed by KABA Development, LLC for public sanitary sewerage system and public water main system improvements, uses and purposes, and for all related ingress and egress, construction, installation, repair, alteration, replacement and maintenance activities. This Dedicated Public Sanitary Sewer and Water Main, Access and Maintenance Easement shall be exclusive, except for the Landowner’s use of the land area for parking and driveway purposes and the minor grading, planting and irrigating, care and maintenance of the Dedicated Public Sanitary Sewer and Water Main Easement area on Lot 2 as it will not interfere with the public improvements, uses and purposes of the Village. In the event of any conflicts between the rights of the Village pursuant to this Dedicated Public Sanitary Sewer and Water Main, Access and Maintenance Easement and the rights of any other persons or entities with respect to the Easement, the Village’s rights under this Easement shall be deemed to be superior.

2. The following Restrictive Covenant shall be added to the CSM
   
   1. KABA Development LLC and its successors and assigns (referred to as the "Landowner"), covenants that the Dedicated Public Sanitary Sewer and Water Main, Access and Maintenance Easement shown on this CSM hereby places restrictions on the use of the referenced land because of the location of the underground public sanitary sewer and water main improvements and above ground related appurtenances within the referenced Easement (located within the vacated West Frontage Road (120th Avenue) right-of-way, which was given, granted and conveyed by the Landowner to the Village for public sanitary sewer and water system improvements, uses and purposes, and for all related and incidental ingress and egress, construction, installation, repair, alteration, replacements, plantings and cleaning, televising and maintenance activities to serve the adjacent KABA and PDDII land. The Landowner further covenants that there shall be no buildings, structures, fences, gates, signs, berming or altering of the grades of the land within the Easement area without the prior written approval of the Village. At such time that the Village exercises its rights to repair or replace said public sanitary sewer, public water or any related appurtenances, the Landowner(s) of the affected property, not the Village, shall be responsible for any and all costs associated with the removal, restoration and or replacement of any parking lots, parking lot islands, curb and gutter or pavement areas, driveways, landscaping or plantings placed within the Easement area. This Restrictive Covenant shall run with the land, shall be binding upon the Landowners, assigns and successors-in-title of the land, in their capacity as owners of this land, and shall benefit and be enforceable by the Village.

3. All outstanding taxes and special assessments shall be paid prior to recording the CSM.

4. The CSM shall be executed by all parties and recorded at the Kenosha County Register of Deeds Office within 30 days of the Village Board approval.
LEGAL DESCRIPTION FOR EXISTING INTERSTATE HIGHWAY 94 WEST
FRONTAGE ROAD RIGHT-OF-WAY TO BE TRANSFERRED
VILLAGE OF PLEASANT PRAIRIE
KENOSHA COUNTY, WISCONSIN

FROM:
STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION

TO:
VILLAGE OF PLEASANT PRAIRIE

Located in the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 24, Town 1 North,
Range 21 East, Village of Pleasant Prairie, Kenosha County, Wisconsin, described as:

Commencing at the East 1/4 corner of said Section 24; thence South 02°04’30” East, along the
East line of said Southeast 1/4, 547.03 feet; thence South 87°55’30” West, 365.54 feet to the
West right-of-way line of Interstate Highway 94 and the point of beginning; thence Southerly,
227.49 feet along said West right-of-way line and the arc of a curve whose center lies to the East,
whose radius is 43226.84 feet, whose interior angle measures 00°18’06” and whose chord bears
South 02°48’01” East, 227.49 feet; thence Southwesterly, 292.74 feet along the arc of a curve
whose center lies to the Northwest, whose radius is 696.62 feet, whose interior angle measures
24°04’39” and whose chord bears South 49°25’26” West, 290.59 feet; thence South 61°28’04”
West, 294.03 feet; thence Southwesterly, 861.21 feet along the arc of a curve whose center lies to
the Southeast, whose radius is 788.83 feet, whose interior angle measures 62°33’11” and whose
chord bears South 30°11’28” West, 819.07 feet; thence North 06°40’19” West, 381.04 feet;
thence Northeasterly, 601.02 feet along the arc of a curve whose center lies to the Northeast,
whose radius is 908.83 feet, whose interior angle measures 37°53’25” and whose chord bears
North 42°31’21” East, 590.13 feet; thence North 57°08’11” East, 500.88 feet; thence
Northeasterly, 208.81 feet along the arc of a curve whose center lies to the Northwest, whose
radius is 576.62 feet, whose interior angle measures 20°44’54” and whose chord bears North
30°13’28” East, 207.67 feet to the point of beginning.

The above-described parcel contains 166,904 square feet (3.832 acres) of land more or less.

Basis of Existing Right-of-Way:
Plat of Right of Way Required for STH 165 Interchange
R/W Project Number 1032-04-20
State Project Number 1032-04-74
Federal Project Number AC IR 94-6(70) 346

CRISPELL-SNYDER, INC.
Professional Consultants
July 8, 2009
MWR

P.N. R08-0007-117
CERTIFIED SURVEY MAP NO.

PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWN 3 NORTH, RANGE 21 EAST, VILLAGE OF PLEASANT PRARIE, KENOSHA COUNTY, WISCONSIN.

NOTES:

SEE SHEET 4 FOR WETLAND PRESERVATION, ACCESS & MAINTENANCE EASEMENT LEGAL DESCRIPTIONS

WEST FRONTAGE ROAD

120TH AVENUE (WEST FRONTAGE ROAD)

DEDICATED PUBLIC STREET

DEDICATED WETLAND PRESERVATION, ACCESS & MAINTENANCE EASEMENTS

DEDICATED PUBLIC SANITARY SEWER ALLER MAIN, ACCESS & MAINTENANCE EASEMENT

BASEMENT LINE TABLE

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BASEMENT CURVE TABLE

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<td>030°00' 90°</td>
</tr>
<tr>
<td>02</td>
<td>61.67'</td>
<td>321.50'</td>
<td>090°34'</td>
<td>59.26'</td>
<td>59°34'09°</td>
</tr>
<tr>
<td>03</td>
<td>23.00'</td>
<td>733.50'</td>
<td>046°35'</td>
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<tr>
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<td>141.53'</td>
<td>328.84'</td>
<td>200°12'</td>
<td>191.31'</td>
<td>191°31'09°</td>
</tr>
</tbody>
</table>

Legend:

CONCRETE MONUMENT WITH ALUMINUM CAP

DEDICATED WETLAND PRESERVATION, ACCESS & MAINTENANCE EASEMENTS

DEDICATED PUBLIC SANITARY SEWER MAIN, ACCESS & MAINTENANCE EASEMENT

SCALE: 1"=200'

SURVEYOR'S SEAL

SHEET 3 OF _ SHEETS
CERTIFIED SURVEY MAP NO.

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 21 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

WETLAND 1 PRESERVATION, ACCESS & MAINTENANCE EASEMENT LEGAL DESCRIPTION

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE SOUTH 58°51'05" WEST, ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4, 568.42 FEET TO THE WEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 94 AND THE POINT OF BEGINNING: THENCE SOUTH 08°16'18" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 13.67 FEET; THENCE SOUTHWESTERLY, 33.00 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 545.50 FEET, WHOSE INTERIOR ANGLE MEASURES 08°16'18" AND WHOSE CHORD BEARS SOUTH 13°24'15" WEST, 33.00 FEET; THENCE NORTH 57°48'30" WEST, 97.70 FEET TO THE NORTH LINE OF SAID SOUTHEAST 1/4; THENCE NORTH 80°51'05" EAST, 98.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED EASEMENT CONTAINS 2,518 SQUARE FEET 0.056 ACRE OF LAND MORE OR LESS.

WETLAND 2 PRESERVATION, ACCESS & MAINTENANCE EASEMENT LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4, SAID CORNER BEING LOCATED SOUTH 88°51'03" WEST, 182.98 FEET FROM THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE NORTH 08°51'03" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4, 339.00 FEET; THENCE SOUTH 38°09'17" EAST, 590.00 FEET; THENCE SOUTH 25°17'43" EAST, 440.00 FEET; THENCE SOUTHWESTERLY, 50.00 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 463.00 FEET, WHOSE INTERIOR ANGLE MEASURES 02°19'24" AND WHOSE CHORD BEARS SOUTH 43°49'02" WEST, 103.36 FEET; THENCE NORTH 87°20'33" WEST, 758.00 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SOUTHEAST 1/4; THENCE NORTH 08°08'34" WEST, ALONG SAID WEST LINE, 305.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED EASEMENT CONTAINS 135,484 SQUARE FEET 0.310 ACRE OF LAND MORE OR LESS.

WETLAND 3 PRESERVATION, ACCESS & MAINTENANCE EASEMENT LEGAL DESCRIPTION

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE SOUTH 08°04'30" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, 502.41 FEET; THENCE SOUTH 80°15'30" WEST, 630.30 FEET TO THE POINT OF BEGINNING: THENCE SOUTH 31°42'47" EAST, 45.00 FEET; THENCE SOUTH 75°25'07" EAST, 20.00 FEET; THENCE SOUTH 20°10'14" EAST, 87.00 FEET; THENCE SOUTH 70°49'20" WEST, 45.00 FEET; THENCE NORTH 06°49'42" WEST, 89.00 FEET; THENCE NORTH 16°16'28"E, 40.00 FEET; THENCE NORTHEASTERLY, 22.00 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 773.50 FEET, WHOSE INTERIOR ANGLE MEASURES 01°42'13" AND WHOSE CHORD BEARS SOUTH 59°05'20" WEST, 32.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED EASEMENT CONTAINS 4,578 SQUARE FEET 0.010 ACRE OF LAND MORE OR LESS.

WETLAND 4 PRESERVATION, ACCESS & MAINTENANCE EASEMENT LEGAL DESCRIPTION

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE SOUTH 08°04'30" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, 671.25 FEET; THENCE SOUTH 07°55'30" WEST, 879.80 FEET TO THE POINT OF BEGINNING: THENCE SOUTH 56°07'41" WEST, 80.00 FEET; THENCE NORTH 01°40'03" WEST, 45.00 FEET; THENCE NORTH 37°58'31" WEST, 87.00 FEET; THENCE NORTH 44°17'45" EAST, 38.00 FEET; THENCE NORTH 86°23'20" WEST, 99.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED EASEMENT CONTAINS 5,422 SQUARE FEET 0.124 ACRE OF LAND MORE OR LESS.
CERTIFIED SURVEY MAP NO.

PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 21 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, BRUCE E. FREDRICKSON, REGISTERED LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED A PARCEL OF LAND BEING A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 21 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE SOUTH 88°30'05" WEST, ALONG THE NORTH LINE OF SAID SOUTH 1/4, 851.42 FEET TO THE WEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 94 AND THE POINT OF BEGINNING; THENCE SOUTH 08°19'12" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 266.56 FEET; THENCE SOUTHEASTERLY, 665.76 FEET, ALONG SAID WEST RIGHT-OF-WAY LINE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE EAST, WHOSE RADIUS IS 43,500.00 FEET, WHOSE INTERIOR ANGLE MEASURES 01°10'17" AND WHOSE CHORD BEARS SOUTH 02°01'21" EAST, 653.70 FEET; THENCE SOUTH 03°28'09" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 67.28 FEET; THENCE SOUTHWESTERLY, 614.85 FEET, ALONG SAID WEST RIGHT-OF-WAY LINE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE WEST, WHOSE RADIUS IS 135.00 FEET, WHOSE INTERIOR ANGLE MEASURES 28°03'12" AND WHOSE CHORD BEARS SOUTH 28°03'12" WEST, 609.67 FEET; THENCE SOUTH 47°31'26" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 200.00 FEET; THENCE SOUTHEASTERLY, 410.81 FEET, ALONG SAID WEST RIGHT-OF-WAY LINE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE EAST, WHOSE RADIUS IS 547.70 FEET, WHOSE INTERIOR ANGLE MEASURES 42°18'27" AND WHOSE CHORD BEARS SOUTH 50°64'05" WEST, 405.25 FEET; THENCE SOUTH 50°64'05" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 251.17 FEET; THENCE SOUTH 44°10'35" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 101.19 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 104TH STREET (ALSO KNOWN AS CTH Q) TO THE WEST AND STR 160 TO THE EAST; THENCE SOUTH 88°31'19" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 175.02 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE INTERSTATE HIGHWAY 94, WEST FRONTAGE ROAD, 47.06 FEET; THENCE NORTH 46°05'56" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 127.21 FEET; THENCE NORTH 01°05'07" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 99.93 FEET; THENCE NORTH 09°04'19" WEST, 905.24 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SOUTHEAST 1/4; THENCE NORTH 08°58'34" WEST, ALONG SAID WEST LINE, 1442.53 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SOUTHEAST 1/4; THENCE NORTH 88°51'03" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4, 564.56 FEET TO THE POINT OF BEGINNING, CONTAINING 1,561,040 SQUARE FEET, 164,560 ACRES OF LAND MORE OR LESS.


DATED THIS ___________ DAY OF ____________________, 2009.

BRUCE E. FREDRICKSON, R.L.S. 2456

CORPORATE OWNER'S CERTIFICATE

KABA DEVELOPMENT, LLC, A LIMITED LIABILITY COMPANY DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AND DEDICATED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

KABA DEVELOPMENT, LLC, DOES FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY §285.10 OR §285.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL:

VILLAGE BOARD OF PLEASANT PRAIRIE

IN WITNESS WHEREOF, THE SAID KABA DEVELOPMENT, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED

BY ____________________________, ITS MANAGER.

TODD BATTLE

THIS ___________ DAY OF ________________, 2009.

STATE OF WISCONSIN

__________________________ COUNTY \SE

PERSONALLY CAME BEFORE ME THIS ___________ DAY OF ________________, 2009, THE ABOVE NAMED TODD BATTLE, MANAGER OF KABA DEVELOPMENT, LLC, A WISCONSIN LIMITED LIABILITY COMPANY, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME TO ME.

__________________________ NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION EXPIRES ____________________

__________________________

SEAL
DRAFT

CERTIFIED SURVEY MAP NO.

PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24,
TOWN 1 NORTH, RANGE 21 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

PLANNING COMMISSION APPROVAL

APPROVED BY THE PLANNING COMMISSION OF THE VILLAGE OF PLEASANT PRAIRIE ON

THIS _______ DAY OF ____________________, 2009.

_____________________________________
THOMAS W. TERNWALL, CHAIRMAN

VILLAGE BOARD APPROVAL

APPROVED BY THE VILLAGE BOARD OF PLEASANT PRAIRIE IN ACCORDANCE WITH THE RESOLUTION ADOPTED

THIS _______ DAY OF ____________________, 2009.

_____________________________________
JOHN P. STEINBRINK, PRESIDENT

_____________________________________
JANE M. ROMAŃOWSKI, CLERK

SURVEYOR'S SEAL

_____________________________________

SHEET ___ OF ___ SHEETS