

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
February 12, 2018**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on February 12, 2018. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessler; Deb Skarda; Jim Bandura; Judy Juliana; Bill Stoebig; John Skalbeck (Alternate #1) and Brock Williamson (Alternate #2). Also in attendance were Tom Shircel, Interim Village Administrator; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Kristina Tranel, Community Development Department.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER APPROVAL OF THE JANUARY 22, 2018 PLAN COMMISSION MEETING MINUTES.**

Judy Juliana:

Move to approve.

Bill Stoebig:

Second.

Tom Terwall:

MOVED BY JUDY JULIANA AND SECONDED BY BILL STOEBIG TO APPROVE THE MINUTES OF THE JANUARY 22ND PLAN COMMISSION MEETING AS PRESENTED. 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 any of the items that are on the agenda since they're matters for public hearing we would ask that you hold your comments until that item is taken up. However, if you want to raise an issue that's not on the agenda now would be your opportunity to do so. We'd ask you to step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments?

6. NEW BUSINESS:

- A. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #18-04 FOR AN AMENDMENT TO THE VILLAGE COMPREHENSIVE PLAN for the request of Steven Brown, agent for the vacant property generally located on 92rd Street east of 11th Avenue within Carol Beach Estates Unit #6 Subdivision (Lot 14 of Block 3) and further identified as Tax Parcel Number 93-4-123-184-0985 to amend the Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 to change the Park, Recreational and Other Open Space Lands with an Interpolated Wetlands land use designations to the Low-Medium Density Residential land use designation and to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan.**

Wayne Koessl:

Mr. Chairman, I see we're taking Item A and B under one presentation but we take separate votes.

Tom Terwall:

Is that a motion?

Wayne Koessl:

Yes.

Tom Terwall:

Is there a second?

Judy Juliana:

Second.

Tom Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO COMBINE ITEMS A AND B FOR PURPOSES OF THE DISCUSSION BUT SEPARATE VOTES. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Go ahead, Peggy.

B. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Steven Brown, agent for the vacant property generally located on 92rd Street east of 11th Avenue within Carol Beach Estates Unit #6 Subdivision (Lot 14 of Block 3) and further identified as Tax Parcel Number 93-4-123-184-0985 to rezone the portion of the lot zoned C-1, Lowland Resource Conservancy District to the R-6, Urban Single Family Residential District so that the entire property is within the R-6 District as a result of the Wisconsin Department of Natural Resources confirmation that there are no wetlands on the property.

Peggy Herrick:

Item A is consideration of Plan Commission Resolution #18-04 for an amendment to the Village Comprehensive Plan for the request of Steven Brown, agent for the vacant property generally located on 92rd Street east of 11th Avenue in the Carol Beach Estates Unit #6 Subdivision known as Lot 4 of Block 3 and further identified as Tax Parcel Number 93-4-123-184-0985. Specifically this is to amend the Village of Pleasant Prairie 2035 Comprehensive Land Use Plan Map 9.9 to change the Park, Recreational and Other Open Space Lands with an Interpolated Wetlands land use designation to the Low-Medium Density Residential land use designation and to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan. This is as a result of a wetland staking being completed and finding no wetlands on the property.

Item B is consideration of a Zoning Map Amendment, again, for the request of Steve Brown, agent for the vacant property located on 92rd Street east of 11th Avenue in Carol Beach Estates, and this is to rezone the portion of the lot that is currently zoned C-1, Lowland Resource Conservancy District, to the R-6, Urban Single Family Residential District, so that the entire property is within the R-6 District as a result of the Wisconsin DNR, Department of Natural Resources confirmation that there are no wetlands on the property.

The petitioner had hired DK Environmental Services to provide a wetland delineation on this property. Again, it's located on 92nd Street east of 11th Avenue within Carol Beach Estates Subdivision Unit #6. It's further identified as Tax Parcel Number 93-4-123-184-0985. The wetland staking was completed on June 10, 2017, and the required wetland report was filed with the Wisconsin Department of Natural Resources and on December 7, 2017 was submitted to the DNR. The DNR sent the attached letter attached to your packets indicating that upon their field visit on October 25, 2017, they had concurred with the biologist that there are no wetlands found on the site anymore.

In accordance with the Village of Pleasant Prairie 2035 Comprehensive Plan, upon completing a wetland staking, the 2035 Land Use Plan Map 9.9 shall be amended to reflect the results of the

aforementioned wetland staking. Therefore, that Plan Map 9.9 is proposed to be corrected to change the Park, Recreational and Other Open Space Lands with an Interpolated Wetlands land use designation to the Low-Medium Density Residential land use designation, and Appendix 10-3 of the Village of Pleasant Prairie Wisconsin 2035 Comprehensive Plan is proposed to be updated to reflect this change in the land use plan.

Furthermore, in accordance with the Village Zoning Ordinance, upon completion of a wetland staking the Zoning Map shall be corrected to reflect the results of the staking. Since the DNR has determined that there were no wetlands on the property the portion of the property that is zoned C-1, Lowland Resource Conservancy District, is proposed to be rezoned into the R-6, Urban Single Family Residential District so that the entire property will then be located in that R-6 District. These are public hearings and opening up to comments from Commissioners or the audience.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Hearing none we'll open it to comments and questions from staff.

Wayne Koessl:

If there aren't any, Mr. Chairman, I'd move approval of Plan Commission Resolution 18-04 to approve amendments to the Comprehensive Plan as outlined in said resolution.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO ADOPT RESOLUTION 18-04. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Item B.

Michael Serpe:

Move approval of the Zoning Map Amendment.

Jim Bandura:

Second.

Tom Terwall:

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

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Sections 420-125.2 B and C related to permitted uses and auxiliary permitted uses allowed in the M-5, Production Manufacturing District.

Peggy Herrick:

This is a public hearing for a Zoning Text Amendment to amend Sections 420-125.2 B and C related to permitted uses and auxiliary permitted uses allowed in the M-5, Production Manufacturing District.

On January 8, 2018, the Plan Commission approved Resolution #18-03 to initiate amendments to the M-5, Production Manufacturing District in the Village. As a result, the following amendments to the M-5 District are proposed:

The first amendment relates to the medical office facility with an approved payment in lieu of taxes, a PILOT Agreement acceptable to the Village if any portion of the property is exempt from paying Village of Pleasant Prairie real estate taxes is proposed to be listed as a permitted use in that district.

A medical office facility would include the operation of a health center for the provision of medical, surgical, dental, psychiatric and behavioral care, whether inpatient or outpatient and related uses, including, without limitation, a hospital, outpatient surgery center, urgent care, medical offices, health club, pharmacy, laboratory, auxiliary uses such as temporary overnight lodging for employees for use while on duty only, and complimentary retail uses, such as gift shop, food and beverage and similar uses reasonably auxiliary to the operation of a health center. So that would be listed as a permitted use in the M-5 District.

The next amendment relates to additional uses allowed as retail auxiliary permitted uses in the M-5 District. And those new uses that would be listed in there would be a medical office facility, a clothing, electronics, handbags, retail leather goods and shoes, so the retail sale of those would be allowed in the M-5 District along with other uses that are currently listed as auxiliary permitted uses such as retail use sale of baked goods, books, candies, cards, ice cream, newspaper,

magazines, office supplies. So additional uses are just being added to that retail auxiliary permitted use section.

The next amendment is to allow service auxiliary permitted uses in the M-5 District in an office building or in a medical office facility. And in addition to the items listed a museum would be allowed as a service auxiliary use. Also we are deleting a restaurant with outdoor seating or a restaurant serving or selling alcoholic beverages. That's going to be something that's allowed as a permitted use in this district. So that's why you see that as struck through in the ordinance so that is being removed. If there was an office building or a medical facility that had a dining room and they had some outdoor patio areas that would be allowed as a permitted use in the M-5 District.

The next item is adding corporate campus auxiliary permitted uses as permitted uses in the M-5 District. These auxiliary uses are proposed to be permitted within a corporate campus development only. So corporate campus development per this section is defined as a development with multiple buildings on a single lot provided that a minimum of 60 percent of the gross floor area of all of the buildings within the campus development is being developed as permitted uses listed in M-5 District on a single lot with Village approval of a Master Conceptual Plan. So this would allow for campus development with multiple buildings to be developed on one lot within the development.

And those that have a campus development with an approved Master Conceptual Plan would be allowed certain retail auxiliary permitted uses, retreat center and corporate retreat center, service auxiliary permitted uses. And they would have the warehouse and distribution uses would be based on the whole corporate campus, not per individual building like is specified in other sections of the M-5 District. So this is a public hearing. Those are the changes being proposed for the M-5 District. Again, this is a public hearing.

Tom Terwall:

Anybody wishing to speak on this matter? Anybody wishing to speak? Comments and questions from staff? Mike?

Michael Serpe:

Peggy, on the first item the medical facility, the payment in lieu of taxes, how long is that agreement in place and the amount -- is the amount going to increase or decrease over time or how is that going to work?

Peggy Herrick:

It would be an agreement that would be negotiated as to what those terms would be if someone was looking to do a medical facility.

Michael Serpe:

For how long?

Peggy Herrick:

Those terms would be negotiated when we brought a project like that forward. This is just indicating that if this is the type of use that's going to be allowed it would be required to have a PILOT agreement approved by the Village Board.

Michael Serpe:

The reason I ask is with everything that's happening with our State right now there's a good possibility that small businesses and homeowners are going to see a significant tax increase. And if we enter into agreements with a certain amount of money that we're going to accept from a facility, a medical office that's not going to keep in line with property taxes are we hurting ourselves? How often is this going to be negotiated, this payment?

Peggy Herrick:

I think there will be an initial agreement that will state what the terms are for that and whether or not there is a renewable period or a time frame for which it could be renegotiated that would probably be spelled out in the agreement. But my understanding is that it would be an agreement that would go as long as the facility would be in place. I'm not sure if there's been any discussion as to -- because we don't have a PILOT agreement with anybody yet, so I'm not sure if there's been discussions for time frames and the specific language unless Tom has more information.

Tom Shircel:

I think Peggy summed it up. I really don't have any more information than that. I think like Peggy said we'd get that done at the beginning and this agreement. And whether it could be amended in time I don't know. But, yeah, it's what Peggy said.

Jim Bandura:

So that would be part of the negotiation to set a time period for that to be in effect.

Tom Shircel:

Correct.

Jim Bandura:

And to renegotiate it at a certain time period you could do that during the negotiation, correct?

Tom Shircel:

Right.

Peggy Herrick:

That would be specified in that agreement, yeah.

Tom Shircel:

You could set that up, right.

Peggy Herrick:

And the terms of the agreement would have to be approved by the Plan Commission and Board if a medical use was to go into an M-5 District as described here.

Jim Bandura:

I can see where Mike's coming from on that. That you're going to have to figure out some kind of time lines for these payments or whatever.

Tom Shircel:

Those are great points, yes. I'm sure we'll have the proper counsel to help us through that process.

Tom Terwall:

Anything further?

Wayne Koessl:

I have one.

Tom Terwall:

Go ahead, Wayne.

Wayne Koessl:

Through the Chair to Peggy. Does M-5 allow electrical substations?

Peggy Herrick:

Yes, I believe so.

Wayne Koessl:

Okay, I didn't see it in here, but I think the original zoning does allow them.

Peggy Herrick:

It's as a conditional use. So if you look at the existing ordinance that we gave you on page 6 of that existing ordinance under miscellaneous uses utility substations, transmission lines, electric power, gas substations are listed on page 6 and 7 of the existing ordinance.

Wayne Koessl:

Okay, thank you.

Michael Serpe:

Could I ask at the Board's pleasure we could ask Mike Pollocoff to come up. You might have something to add to this.

Tom Terwall:

We need your name and address, sir.

Mike Pollocoff:

My name is Michael Pollocoff, 5300 86th Place. Payment in lieu of taxes you should interpret that literally. That the payments that the Village would seek to secure from any business that was tax exempt their payments would have to equal those property taxes. Those property taxes would be established every year based on the value of the property. So the formula is established at the very beginning that dictates how the value is arrived at on an annual basis by the Village. And then the portion of the taxes to be collected is also established annually just like it is for anybody else.

Now, the only differences are that the Village collects those funds, and in the case where a TIF could be involved, if there's an active TIF District in the area, all those funds would go straight to the Village through the tax increment district for payment of bonds. The Village could negotiate beyond that time period that the PILOT is in perpetuity as long as that business is tax exempt. And that Village that would be received is based on the same formula. Each year interpreting the value of the exempt property and each year providing them with a levy to bounce that against. So it is determined once, but it's not -- I wouldn't recommend the Village enter into any agreement where it sunsets at any time because we can't guarantee sunsets in anything.

I think given the State's posture on shifting property taxes at this point it's more critical that that be determined up front and frozen up front so that the Village's ability to respond to bond payments of the Village's ability to respond to the need to acquire funds for a certain use are fixed, a fixed part of that agreement. And if for some reason they weren't paid then the use would have to disappear.

Jim Bandura:

So, Mike, what the Village would have to do would be to establish a formula where it would increase throughout the years?

Mike Pollocoff:

Right, just like we do for your house or my house. The Village makes the determination of your value each year, and we do that as a regular basis with tax exempt properties all the time whether it's -- we don't always assess them a property tax but say St. Catherine's that's probably the biggest one and most difficult. We have to determine a value based on that not so we can tax it, but their public fire protection charge is based on the value of the property being protected. So every tax exempt property, and the Village already gets evaluated for the value of it. And there's a process to appeal that if they disagree with it.

Michael Serpe:

And this is a process of a negotiation with the facility?

Mike Pollocoff:

With the use. So before the Plan Commission would approve a development agreement, that development agreement would have to have a payment in lieu of taxes PILOT agreement as part of it to make sure those taxes are --

Michael Serpe:

And those amounts can be renegotiated later?

Mike Pollocoff:

No.

Michael Serpe:

They can't be.

Mike Pollocoff:

No. What the payment in lieu of taxes premise is you're going to pay us money in lieu of taxes, it just won't be a property tax. It's going to be a straight payment that you make to the municipality. So if the municipality is not able to collect those taxes then that development cannot proceed.

Jim Bandura:

But it's still based upon yearly possible increases or decreases?

Mike Pollocoff:

Yeah, it's not a fixed fee that goes on in perpetuity.

Michael Serpe:

Okay, that's what I was asking.

Tom Terwall:

Is that fee then tax deductible?

Mike Pollocoff:

That's up to them and their tax attorneys depending on what their structure is.

Jim Bandura:

Dark store.

Mike Pollocoff:

The taxing identity. But for us if it's in an area that could include a TID district those bonds are reliant on taxes to come in to pay that off. And if it's an entity that's of size and consequence the Village being under levy limits nor for eight years, the only dollar we'll get is the dollar we'll see on the first day, and if it's exempt we'll never see a dollar from it. We'll have to take care of it [inaudible] and the burden of that will be shifted to the rest of the property owners. So a PILOT agreement especially in this [inaudible] it's a necessity that everybody at least pay their taxes.

Tom Terwall:

Thanks, Mike. Anything further? If not I'll entertain a motion to adopt the resolution.

Michael Serpe:

Move approval of the Zoning Text Amendment.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY JIM BANDURA FOR THE PLAN COMMISSION TO ADOPT THE ZONING TEXT AMENDMENT AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? Motion carried.

7. ADJOURN.

Jim Bandura:

So moved.

Michael Serpe:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

Meeting Adjourned: 6:20 p.m.