

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
September 9, 2019**

A meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on September 9, 2019. Those in attendance were Michael Serpe; Mike Pollocoff; Wayne Koessler; Judy Juliana; Bill Stoebig; and John Skalbeck. Deb Skarda; (Alternative #1) and Brock Williamson (Alternate #2) were excused. Also in attendance were Nathan Thiel, Village Administrator; Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Aaron Kramer, Deputy Planner and Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER APPROVAL OF THE AUGUST 12 AND 26, 2019 PLAN COMMISSION MEETING MINUTES.**

Judy Juliana:

Move to approve.

Wayne Koessler:

Second.

Michael Serpe:

**MOTION MADE BY JUDY JULIANA AND SECONDED BY WAYNE KOESSL FOR
AUGUST 12TH AND 26TH APPROVAL. ALL THOSE IN FAVOR SAY AYE.**

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

- 4. CORRESPONDENCE.**
- 5. CITIZEN COMMENTS.**

Michael Serpe:

We have five items here that are public hearing. You can hold your comment until that item is called. If anybody wishes to speak on any other item now is your opportunity to talk. Anybody wishing to speak? Anybody wishing to speak? We'll close citizens' comments.

6. NEW BUSINESS:

Michael Serpe:

Items A and B will be taken together. Separate actions will be taken.

- A. PUBLIC HEARING AND CONSIDERATION APPROVAL OF PLAN COMMISSION RESOLUTION #19-10 for the request Matt Carey, P.E. with Pinnacle Engineering Group, agent for the Route 165, LLC owner of the property located at 12100 Uline Place to amend the Village 2035 Land Use Plan Map 9.9 to correct and change the location of the 100-year floodplain on the property to reflect the final approval obtained from the Federal Emergency Management Agency related to the Floodplain Boundary Adjustment on the Uline Headquarters Office (H2) property; and to update Appendix 10-3 of the Village of Pleasant Prairie Wisconsin, 2035 Comprehensive Plan to reflect the above noted changes to the 2035 Land Use Plan Map 9.9.**

- B. PUBLIC HEARING AND CONSIDERATION OF ZONING MAP AND TEXT AMENDMENTS for the request Matt Carey, P.E. with Pinnacle Engineering Group, agent for the Route 165, LLC owner of the property located at 12100 Uline Place. Specifically, to amend Section 420-131 I of the Zoning Ordinance to reference the March 21, 2019 Federal Emergency Management Agency approval related to the Floodplain Boundary Adjustment on the Uline Headquarters Office (H2) property; and to amend the Zoning Map to correctly rezone the location of the 100-year floodplain into the FPO, Floodplain Overlay District on said property.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and audience, Item A is public hearing and consideration of approval of Plan Commission Resolution #19-10 for the request Matt Carey, P.E. with Pinnacle Engineering Group, agent for Route 165, LLC, owner of the property located at 12100 Uline Place to amend the Village 2035 Land Use Plan Map 9.9 to correct and change the location of the 100-year floodplain on the property to reflect the final approval obtained from the Federal Emergency Management Agency related to the Floodplain Boundary Adjustment on the Uline Headquarters Office H2 property; and to update Appendix 10-3 of the Village of Pleasant Prairie 2035 Comprehensive Plan to reflect the above noted changes to the Land Use Plan Map 9.9.

And then Item B is the public hearing and consideration of the Zoning Map and Text Amendments at the same request of Matt Carey for the same owner at 12100 Uline Place. This is to specifically amend Section 420-131 I of the Zoning Ordinance to reference the March 21, 2019 FEMA approval related to the Floodplain Boundary Adjustment on the Uline Headquarters Office

H2 property; to amend the Zoning Map to correctly rezone the location of the 100-year floodplain into the FPO, Floodplain Overlay District on the property.

As indicated, these items are related and will be presented at the same time with separate actions being required.

On August 17, 2015, the Board approved Resolution #15-27 related to the floodplain boundary adjustment to remove 23,519 cubic yards of land from the Des Plaines River UT1E 100-year floodplain and to create 4,963 cubic yards of 100-year floodplain to compensate for the 100-year floodplain being filled. This is was for the construction of the office building and site improvements on a 28 acre site for the Uline headquarters office building H2 located at 12100 Uline Place.

In accordance with Resolution #15-27, upon completion of the floodplain boundary adjustment an as-built survey and calculations were submitted to FEMA to verify the compliance with the design plans. On March 21, 2019, FEMA approved and issued a Letter of Map Revision known s a LOMR, Case Number 18-05-1772P as effective August 9, 2019.

In accordance with Resolution #15-27, upon approval of the floodplain boundary adjustment the petitioner shall file an application to correct and amend the Village 2035 Land Use Plan Map 9.9, the Zoning Ordinance and the Zoning Map to reflect the amended floodplain. And that is what they have completed. These items as shown on the screen are being presented for public hearing this evening, and this is a matter for public hearing. There's representation here from Uline if you have any questions. Again, sometimes there's somewhat of a time delay from when a project gets completed and we get the final approvals from FEMA. And this wraps up all of the entitlement processes for the development.

Michael Serpe:

Item A and B are a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? Petitioner have anything to add? Nothing, okay. We'll close the public hearing and open it up to comments and questions from the Commission.

Mike Pollocoff:

I'd move to adopt Resolution, the first one 19-10 to amend the Comprehensive Plan and send a favorable recommendation to the Village Board to correct the Land Use Plan Map and update Appendix 10.3

Judy Juliana:

Second.

Michael Serpe:

MOTION MADE BY MIKE POLLOCOFF AND SECONDED BY JUDY JULIANA FOR APPROVAL OF RESOLUTION 19-10. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

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

Wayne Koessl:

Mr. Chairman, I move approval of the Plan Commission to send a favorable recommendation to the Village Board to correct and amend the Zoning Map to rezone the 100-year floodplain as amended into the FPO, Floodplain Overlay District, and to amend Section 420-131 I of the Zoning Ordinance to reference the March 21, 2019 FEMA approval related to the floodplain boundary adjustment as presented in the September 9, 2019 staff report.

John Skalbeck:

Second.

Michael Serpe:

MOTION MADE BY WAYNE KOESSL AND SECONDED BY JOHN SKALBECK FOR APPROVAL OF THE ZONING MAP AND TEXT AMENDMENT. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you.

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT for the request of Caroline Brzezinski, agent on behalf of Breeze Terrace LLC to amend the Breeze Terrace Apartments Plan Unit Development Ordinance to correct the side building setback requirement for Building C to match the approved Residential Development Plans.

Peggy Herrick:

This is a Zoning Text Amendment for the request of Caroline Brzezinski, agent on behalf of Breeze Terrace, LLC, to amend the Breeze Terrace Apartments Plan Unit Development Ordinance to correct the side building setback requirement for Building C to match the approved residential plans.

On August 20, 2018, the Village Board approved the Breeze Terrace Planned Unit Development Ordinance which included the Residential Development Plans for the development. As a result of the revisions made to the 19 unit building, as you may recall Plan Commission required that they add attached garages to this building which is Building C located on the north side of the development. On the overhead you can see where Building C is. As a result of that adding of those garages, Building 3 is 35.88 feet from the side or the north property line. The PUD Ordinance did not correctly reflect this plan change and, therefore, the PUD Ordinance as proposed does not match the approved residential development plans.

Therefore, staff is recommending that subsection d (iv) (4) related to building setback is proposed to be corrected to read: Side and rear setback: 50 feet minimum, except for Building C which shall be setback a minimum of 35 feet from the side property line. In addition, there is a typo being corrected in subsection c (xxiii) to correct the word that which should be than. This is a public hearing. If you have further questions I can certainly answer those.

Michael Serpe:

This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak. We'll close the public hearing and open it up to comments from the Commission.

Wayne Koessl:

Mr. Chairman, I'd move that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Text Amendment as presented at the Village staff report of September 9, 2019.

Judy Juliana:

Second.

Michael Serpe:

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

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you.

D. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLAN, DIGITAL SECURITY IMAGING SYSTEM AGREEMENT AND ACCESS EASEMENT for the request of David Aul on behalf of Pleasant Prairie Animal Hospital to occupy the existing

building located at 8989 74th Street for a veterinary office that will provide wellness, dental, medical and surgical needs.

Aaron Kramer:

This is a public hearing and consideration of Conditional Use Permit including Site and Operational Plan, Digital Security Imaging System Agreement and Access Easement for the request of David Aul on behalf of the Pleasant Prairie Animal Hospital to occupy the existing building located at 8989 74th Street for a veterinary office that will provide wellness, dental, medical and surgical needs.

There are several findings of facts in this report. And that is:

1. The petitioner is requesting approval of a Conditional Use Permit with a Site and Operational Plans to occupy the existing vacant 8,900 square foot building formerly occupied by Care Animal Hospital located at 8989 74th Street for a new veterinary office known as Pleasant Prairie Animal Hospital.
2. The subject property is known as Lot 2 in the Certified Survey Map 1981 and located in a part of the Southeast One-Quarter of U.S. Public Land Survey Section 5, also known as the Tax Parcel Number 91-4-122-054-0252.
3. The current zoning of this property is I-1 in the Institutional District. A veterinarian clinic and hospital is allowed within the I-1 District with approval of a Conditional Use Permit. On February 3, 1998, the Village Zoning Board of Appeals granted a variance, Variance Grant #98-01, to allow for reduced setbacks for the construction of the building to include 45 foot side setbacks, a 65 foot street setback from the adjacent to Highway 50, and a 40 foot setback from 74th Street to the north.
4. This facility will not provide general boarding, daycare or grooming services. Dogs will be walked in the fenced yard on the north side of the building as needed. Controlled substances will be stored in a locked cabinet with a security camera covering it at all times. There will be no pet cremation on site. Deceased animals will be removed from the property and disposed of by a third party.
5. The building was originally built as a veterinarian office; therefore, no building modifications are proposed.
6. The veterinarian clinic is proposed to operate between the hours of 7:00 a.m. and 9:00 p.m. and requests to be open for emergency services for up to 24-hours per day only on an on-call basis.
7. This is a start-up business that will initially employ only one doctor with three to four supporting staff. As the business grows, the number of employees is anticipated to range from three to fifteen full-time employees and two to ten part-time employees. It is anticipated that there could be up to four doctors and twelve support staff on the site at any one time.

8. Pursuant to the Village Zoning Ordinance, the minimum required parking spaces for a veterinary clinic is four spaces for every doctor, four doctors resulting in 16 parking spaces, plus one space for every employee and plus the required number of handicapped spaces as required by the State Code. The minimum number of parking spaces required for the anticipated growth is 29 parking spaces including the one handicapped accessible space. The existing site provides 30 parking spaces including the one handicapped accessible parking space. At the time the facility is going to start there's only going to be one doctors, so it is anticipated that there will be plenty of parking available on site for this business.
9. The anticipated occupancy of this facility is fall 2019.
10. In order to help provide a safe and secure site, a Digital Security Imaging System, DSIS system, is required to be installed on site. This system is required to be connected to the Village Police Department's network via an internet connection. The site shall also be adequately lit to help provide security onsite without causing lighting issues for the adjacent residential properties.
11. Notices were sent to adjacent property owners via regular mail on August 22, 2019 and notices were published in the *Kenosha News* on August 26 and September 2, 2019.
12. According to the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact and the application and related materials and information presented at the public hearing, that the project as planned will not violate the intent and purpose of all Village Ordinances and meet the minimum standards for granting of a Conditional Use Permit. Furthermore, pursuant to Article IX of the Village Zoning Ordinance, the Plan Commission shall not approve any Site and Operational Plan application without finding in the decision that the application, coupled with the satisfaction of any conditions of approval, will comply with the applicable Village ordinance requirements and that all other applicable Federal, State or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer and water service, storm water management, streets and highways and fire protection.

At this time the Village staff has determined that based upon the foregoing information presented in the application, at the public hearing and the memorandum from the Fire and Rescue Department, that this project meets the following standards for granting a Conditional Use Permit and Site and Operational Plan Approval.

Jean Werbie-Harris:

And if I could just add two things just a point to clarify. The square footage of this existing building is 4,980 square feet. And then one other comment, as noted in paragraph 8 of the memo, that no on street parking is allowed on the adjacent streets, and the office shall not expand past its parking requirements. Each year the business license is renewed. Updated employment information shall be provided on a renewal application to reflect the accurate doctor and employee total in order to have an evaluation of the parking and adequate parking onsite. So with that we would like to continue the public hearing at this time.

Michael Serpe:

This is a matter for public hearing. Anybody wishing to speak? Yes, sir? Name and address for the record please.

Russ Brewer:

My name is Russ Brewer. Address is 10990 192nd Avenue, Bristol, Wisconsin, partner, owner of Care Animal Hospital of Pleasant Prairie. I find it kind of ironic that I'm here this evening. Almost 20 years ago I was here introducing Care Animal Hospital of Pleasant Prairie for 8989 74th Street. We outgrew our place, and you guys -- we were here just a couple years, and you guys authorized us to move forward with the new building project.

We have grown to a seven doctor practice, and I guess in sitting back and realizing and looking at the demographics of the area and the well planned out community that you all have had the foresight to lay down, I would like to offer our opinion that we don't feel that there's room for another general practice right in that location. My wife and I were talking about this, and it's kind of like would we need another gas station at the corner of H and 50? We've got Dr. Regner's office just down the other end of the block, and our office. And then the Village also has Prairie Side which is moving into a new facility on 39th.

There are 20,000 people in Pleasant Prairie. The stats as far as the industry goes is that you need about 4,000 people, population per veterinarian. There are current 12 veterinarians in Pleasant Prairie. So we're pulling people from Kenosha, Winthrop Harbor, Beach Park, and Racine. We even get some people that come in from the county. I'm not saying that there's not room for expansion of the veterinarian industry inside the Kenosha County area because there's almost 170,000 people that live in Kenosha County. Most of those live this side of the interstate. It's just that this particular location is saturated. That's our opinion.

And to the standpoint that certainly we could use an emergency clinic, certainly we could use a specialty practice, but another general practice would seem to be like another mattress store. I don't know that we need more. You guys have exercised a lot of local control over the years and its evidence. We moved here in 2000, and I can't help but drive through the community and see the foresight that you guys have had planned out. It's an easy community to navigate through. And the standards of building have escalated over the years. It's a beautiful community that you've laid out. And I just would hope that we continue to lay that out. I don't like to see vacant buildings either. But I do like to see buildings that are going to be there long lasting and add to the community as well. Thank you.

Michael Serpe:

Thank you. Anybody else wishing to speak? Anybody else wishing to speak?

Jean Werbie-Harris:

Maybe the petitioner would like to come up?

David Aul:

David Aul, 8989 74th Street. I appreciate what Dr. Brewer had to say. Obviously this facility was purpose built as an animal hospital 20 years ago. So I think everyone understood that this building would be an animal hospital. Dr. Brewer chose to build his new facility nearby knowing that this was an animal hospital structure. So I don't understand what his argument is there.

In terms of the number of veterinarians in Pleasant Prairie, we hope that you would see that this business will either thrive or not thrive based on its own merits. We certainly think there's enough room for one more veterinarian in Pleasant Prairie. We believe that this market is underserved, and that having another practice in Pleasant Prairie is good for everybody. Competition is good for everybody. If Dr. Brewer is correct we're the ones with the risk, not him. Thank you.

Michael Serpe:

Thank you. Anybody else wishing to speak? Anybody else? We'll close the public hearings. Comments or questions from the Commission? Mike?

Mike Pollocoff:

I have a couple. For the owner are you a veterinarian or are you -- oh, you have the veterinarian with you. Okay, so all right. Secondly, I'm sorry, that was just my one question. For the question I asked if Mr. Aul was the veterinarian or not. I also have a question here on the sampling manhole report which indicates it's in failure. Has that been corrected?

David Aul:

We just received that report I believe on Friday of last week. And I asked the person who did the report to provide me with some recommendations for contractors who could do that work. This morning I received a list of four contractors. I've contacted all four. I've only hear back from one of them as of now who said they can do the work in six weeks time. I have not heard back from the other three.

Mike Pollocoff:

Okay. All right, so from the looks of this this was probably in violation from day one for the things that weren't in there, but I guess we didn't catch that. Then my other question to staff is what brings us to conditional use at this point? I mean is it just because it's a change in ownership? It had a conditional use before or it didn't?

Jean Werbie-Harris:

I'm sorry. Because the facility has been vacant for more than a year it loses any grandfathered rights it may have had as a conditional use. And the conditional use even though it would have run with the land it's been vacant. The second thing is they are seeking for a 24 hour emergency or on-call basis. And whenever there's a 24 hour use that requires a specific Conditional Use Permit as well.

Mike Pollocoff:

Is it staffed for 24 hours or just on-call?

Jean Werbie-Harris:

No, just on-call.

Mike Pollocoff:

Okay.

Jean Werbie-Harris:

And that's really for emergency situations.

Mike Pollocoff:

All right. My one concern on the sampling manholes, at least for what it's reflecting here in front of me that it's subject to infiltration which is going down the pipe for us. So I'd like to see that fixed sooner than later.

David Aul:

That's our intention.

Mike Pollocoff:

Sooner than six weeks I guess is what I'm saying.

David Aul:

I will hire the contractor that can do it first.

Michael Serpe:

Tomorrow morning?

David Aul:

If they say they can do it.

Mike Pollocoff:

For us infiltration isn't a profit center, it's just we take that money and we give it right to Kenosha.

Michael Serpe:

Any other questions or comments? I'd like to make one comment. We don't want to create business to put others out of business. But with reference to this area which is in a high growth area that is growing constantly, we're adding an enormous amount of apartments that just went up on Breeze Terrace. We've put in more on Eva Manor. We have more going in at Creekside, and they're all animal friendly developments. So as far as servicing with veterinarian clinics I don't think we're flooding the market just yet.

I think people choose their vet based on their experience with the vet. And to Dr. Brewer's credit he has a very good reputation. I don't think he has to worry too much about losing too much business. And to you guys coming in good luck, and how you treat your patients and your customers will determine how successful you are for growth in the future. But I don't think we should be here regulating the amount of businesses that come into the Village. With that, what's your pleasure?

Mike Pollocoff:

Mr. Chairman, I'd move that we approve the Conditional Use Permit with the conditions identified and recognition of the findings of fact.

Bill Stoebig:

Second.

Michael Serpe:

MOTION MADE BY MIKE POLLOCOFF AND SECONDED BY BILL STOEBIG FOR APPROVAL OF THE CONDITIONAL USE PERMIT INCLUDING THE DSIS SYSTEM. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. Thank you. Item E and F will be taken together, separate action on both.

- E. PUBLIC HEARING AND CONSIDERATION OF A MASTER CONCEPTUAL PLAN for the request of Dan Szczap, agent for Main Street Development, LLC for an updated Master Conceptual Plan for the continued development Main Street Market generally located at the northeast corner of STH 31 (Green Bay Road) and STH 165 (104th Street).**
- F. Consider the request of Dan Szczap, agent for Main Street Development, LLC for approval of a Certified Survey Map to subdivide land within the Main Street**

Market development generally located at the northeast corner of STH 31 (Green Bay Road) and STH 165 (104th Street) for future development.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, both Items E and F will be discussed at the same time with separate actions required.

The first is Item E, consideration of a Master Conceptual Plan for the request of Dan Szczap, agent for Main Street Development, LLC, and this is for an updated Master Conceptual Plan for the continued development Main Street Market generally located at the northeast corner of State Highway 31 and State Highway 165.

The second item, Item F, is to consider the request also of Dan Szczap, agent for Main Street Development, LLC, for approval of a Certified Survey Map to subdivide land within the Main Street Market development generally located at the northeast corner, again, of Highway 31 and Highway 165 for future development.

The Main Street Market commercial development is then located at that northeast corner of Highway 1 or Green Bay Road and Highway 165, 104th Street. It's being developed by Main Street Development, LLC, or Bear Development as we commonly know them. The Village has been working with the developer on this project for the past several years. At this time, the owner is proposing to update the Master Plan to identify the location of a new user in their development and to create a Certified Survey Map.

Just to give a little bit of history on this project, previous Village approvals:

- On December 4, 2018, the Village Board conditionally approved a Master Conceptual Plan for the proposed Main Street Market development which included NINE buildings including six multi-tenant/retail/restaurant buildings, a grocery store and a gasoline station and C Store.
- This Master Conceptual Plan was a refinement of the Neighborhood Plan Amendment, Ordinance 17-48, conditionally approved by the Village Board on October 2, 2017. And this was for a portion of the Highpoint Neighborhood Plan for the commercial development.
- On February 5, 2018, the Village Board approved the Project Plan for TID #6 for Main Street Market public infrastructure. The Development Agreement and related documents being discussed tonight further that implementation of the lands within the TID 6 boundaries.
- On April 16, 2018, the Village Board approved the Main Street Market Planned Unit Development Ordinance 18-14, the development's first Certified Survey Map and approved the Development Agreement which related to the required public improvements for the development of Main Street Market. This agreement also sets forth the developer's obligations to construct those improvements pursuant to the Traffic Impact

Analysis. In addition, approval was granted for the Main Street Market Declaration of Development Standards and Protective Covenants.

- On October 1, 2018, a Memorandum of Understanding regarding the construction of Main Street Market TIA improvements along Highway 165, Old Green Bay Road and Highway 31 in the Village was executed.

As noted in the MOU, there will be no direct private driveway access to the development lots to and from Highway 165, Old Green Bay Road, and Highway 165. Main Street, which is a future east/west public roadway, is proposed to extend between Highway 31 and Old Green Bay Road. There will be four private development driveways proposed to connect to Old Green Bay Road. The detailed engineering plans for the widening of Green Bay Road and 165 and the 165/Old Green Bay Road intersection and Main Street are now finalized and have been provided to the Village and to the Wisconsin DOT for their final review, approval and right-of-way land acquisition for the Old Green Bay Road widening. The acquisition of additional right-of-way from the adjacent landowners on the south side of Highway 165 has been completed by the developer.

Old Green Bay Road will be reconstructed with an urban cross section with curb and gutter and public sidewalks/pedestrian ways. A new signalized intersection will be constructed at Old Green Bay Road and Highway 165. A second new signalized intersection is proposed at Highway 31 and future Main Street. Roadway cross section requirements have been defined which include bicycle and pedestrian accommodations. It is anticipated that the work on Highway 165 and Old Green Bay Road including the intersection at 165 and Old Green Bay Road will be started in later spring of 2020.

- On June 25, 2018, Final Site and Operational Plans were conditionally approved by the Plan Commission for the Froedtert South Medical Office Building. That was the first building to be constructed and completed within the Main Street Market development.
- Work is ongoing to complete an Environmental Assessment document for the Transportation Economic Assistance Grant being considered by the Wisconsin Department of Transportation.

At this time the developer is requesting approval of a revised and updated Master Conceptual Plan for the Main Street Market development and the approval of a Certified Survey Map. This update specifically includes revised preliminary civil plans specifically looking at the building placement and the parking and driveway lot revisions for a new Kwik Trip gas station/convenience store to be located north and east of the Froedtert South Medical Office Building. The original plans had shown it north of the Main Street area. The Kwik Trip Site and Operational Plans including all the detailed building, landscaping, lighting, mechanical, signage and fire protection plans and building elevations, and a CUP and a DSIS system pursuant to the Village Zoning Ordinance requirements are still required to be submitted, and they will need to be approved by the Plan Commission for the Kwik Trip facility upon their submittal.

Notes regarding the Kwik Trip use:

- The B-2 District does not allow for a 24 hour gasoline and convenience stores. Therefore the gas station/convenience store user shall comply with the standard Village business operational hours and be closed between 12:00 a.m. and 5:00 a.m.
- The gas station would not be allowed to have semi-trucks, semi-truck cabs, trailers, or tractor trailers or other large trucks idle, fuel or park at this gas station/convenience store site.
- Due to the proximity of the Meadowlands multi-family residential condominium development which is located east across Old Green Bay Road, the building and parking lot lighting shall be carefully evaluated to ensure that the lights are cut-off fixtures or integral into the canopy, shielded and directed downward and do not cause a nuisance for any adjacent residential condominiums.
- Due to the proximity of the Meadowlands multi-family residential condominium development located to the east, the signage and its lighting shall be carefully evaluated to ensure that the building, canopy and monument signage lighting is shielded and directed downward and, again, does not cause a nuisance for the adjacent residential condominiums.
- Due to that proximity, again, of that residential development, the height of the gasoline canopy shall be evaluated for a maximum height no higher than the Kwik Trip Convenience Store canopy on 72nd Avenue, and its lighting shall be carefully evaluated to ensure that the canopy has this under mount lighting so that it does not glare and the signage does not cause a nuisance to the adjacent residential area.

Note the revised master plan includes the following possible uses still: medical office building which is existing, gas station and convenience store which is being proposed, office, retail grocery, restaurant, service and pharmacy.

Pursuant to the revised Master Conceptual Plan, a Certified Survey Map is proposed to dedicate the Main Street right-of-way between Highway 31 and Old Green Bay Road and then to create four additional lots as shown on the screen.

Outlot 1 is 1.79 acres. It will include the current storm water retention basin facility. Again, there is no direct access to or from Highway 31 or Highway 165 to outlot. Shared driveway access to and from Old Green Bay Road to the Main Street Market Outlot 1 will be required per the approved Plan.

Lot 5 is 2.22 acres with frontage on Old Green Bay Road, and it's proposed to be purchased and developed by Kwik Trip for a gasoline/car wash facility, convenience store as shown on the Master Conceptual Plan. There currently is a small, artificial wetland area on Lot 5, and it is intended to be filled and permits would be obtained from the DNR and Corps of Engineers. There is no direct driveway access solely to the future Kwik Trip site from Old Green Bay Road. Shared driveway access to and from Old Green Bay Road to the Main Street Market Lot 5 and the other lots will be allowed per the approved plan. So there are points of connection, but they're shared cross-access into the Kwik Trip site and to the other users including Froedtert South that's existing.

Lot 6 is 6.47 acres with frontage on Old Green Bay Road, Main Street and Highway 31. It is likely that this lot will be further subdivided or developed as one parcel with multiple buildings including, as they are showing, a 6,000 square foot, a 7,500 square foot retail/restaurant buildings and possibly a 29,000 square foot office/retail or grocery building with access from Old Green Bay Road. Again, no direct access is going to be shared through the development, and all the lots within the development will have the cross-access.

Lot 7 is 3.04 acres with the frontage on Old Green Bay Road, Main Street and Highway 31. There is no identified user at this time for that particular site. However the Master Conceptual Plan indicates that there could be a 14,450 square foot office/commercial building with access to Old Green Bay Road. Access, again, will be allowed per the approved plan. Again, due to that distance between Old and New Green Bay Road there's just not enough space in there to allow access north or south on Main Street. Again, just to wrap up, on their Conceptual Plan cross-access and parking between all Main Street Market lots will be required. And those easements will need to be recorded.

This is a public hearing, and there is a representative here. Dan is here from Bear Development, Main Street Market. I don't know if you have anything further to add. Or if you have any questions for Dan I'm sure he'd be happy to come up.

Michael Serpe:

This is a matter for public hearing. We will allow comments and questions on both Items E and F, separate action on both. Anybody wishing to speak? Anybody wishing to speak? We'll close the public hearing and open it up to comments or questions. Mike?

Mike Pollocoff:

I have a few questions. One is in evaluation of placement of the Kwik Trip site, I guess given the alternative of placing it right across the street from residential uses versus having it be closer to Highway 31 and provide for the smaller spaces to be across the street from residential, did that get weighed out?

Jean Werbie-Harris:

We did look at that, and maybe Dan can add to this as well. The original user at that site was actually 26,000 square feet, and it was multiple retailers which could have included restaurants, retail and other uses. So that would have been a pretty intensive use at this location as well. Kwik Trip did look at north of Main Street, but they just felt that that was further away from the residential development, and they were hoping and encouraging that people would not only stop there on their way home, but people could actually walk or bike to their facility being a little closer to the residential. So we did look at a number of different things.

As this development is moving forward to the north all of the final improvements were needing to be completed before Kwik Trip could consider at this location. And so we looked at that with the timing with all the public improvements as well. So I mean when it came down to it I believe it was Kwik Trip ideally that they felt that this was the most marketable location for them as a gas

station and convenience store. They know that it's not a site that's suitable for trucks or truck traffic or any type of traffic like that. And so anything that they do on the site will need to be catered to this. It's not like the site that just opened up last Friday out at the interstate for Kwik Trip. I'm not sure if Dan wants to add anything further. But we wanted to try to make it more integral to the development as well.

Dan Szczap:

Sure thing. Thanks, Jean. The location of the Kwik Trip --

Michael Serpe:

We know who you are but we need your name address for the record.

Dan Szczap:

Dan Szczap, 4011 80th Street, Kenosha. The location of the Kwik Trip facility was really driven by the end user. When we laid out the concept plan I'm sure you all will remember we were hoping to locate it on the triangle piece which is a little more difficult piece to work with. But as we received feedback from Kwik Trip and other convenience store operators, it was clear that there was one site on the entire property which they were interested in, and that's where it's shown in the Concept Plan.

Mike Pollocoff:

That kind of leads up to a followup question to Dan and staff. By placing a Kwik Trip there, and assuming that you can mitigate the lighting and the noise and the other things that would happen at a gas station and convenience store, does that really end up precluding Building G being a grocery? I mean Kwik Trip right now, the one that's over katty corner from this one almost serves as a grocery for that part of town now. Does it -- I mean is that something based on the marketing study for this property, or some of the other marketing studies we've had would that preclude a grocery from being there, and then that would be office or whatever retail it would be?

Jean Werbie-Harris:

I think that's to you first, Dan.

Dan Szczap:

I guess that's a tough question for me to answer because I wasn't involved in the market study for this. I do know that the grocery industry is changing. I mean there's not a whole lot of new, large scale grocery. So I think it would be completely consistent to have something smaller. I don't think we're going to need a big box --

Mike Pollocoff:

I don't think that was going to happen from the beginning given the size.

Dan Szczap:

Maybe something in the middle in talking to other users for that site. The placement of Kwik Trip on the site hasn't necessarily swayed any decisions on who located here.

Jean Werbie-Harris:

So if I can add to that, too. I mean, for example, up in the Village of Somers there is a Festival Foods and then there's a Sam's Market grocery store, a large grocery store, and then a Kwik Trip right in front of them. So I think if there's something quick that you want to run in and get of if there's a sandwich or something to that effect, I think that Kwik Trip offers a quick opportunity to do that. Whereas I think that Dan is correct, there's still an opportunity to have a grocery store there. And if there isn't because the market is too saturated because of Meijer or Fresh Thyme or any of the other grocery stores that are in proximity, then the grocery stores would probably look at another location that is a large commercial development that would be central to a downtown or something like that.

Mike Pollocoff:

And I can see your point that when you compare it to the ones in Somers. But this space here really lends itself just by the mere size of to a smaller -- I can't think of a grocery being intimate, I'm not sure that's the right word, but more specialized or small market grocery. If that would preclude the use I mean the market's the market. But I guess it does kind of change the nature of I think how we looked at this from the initial conception of the plan. Not to say I couldn't support it, but I think just going into this with our eyes wide open I think that would alter this master plan.

Jean Werbie-Harris:

So one of the other things that we looked at and what was facing us is that as we continued to work through the TIA for this project, originally there was supposed to be more access and an access on Main Street, I mean just things started evolving where access was getting more restricted, more restricted, more restricted. And it started to kind of change some of the dynamics of what's going on with respect to this site. But could it still support a small grocery store? Absolutely. There's a number of grocery stores actually that are more specialty like you mentioned that have looked in the area. But I don't know how serious they're looking right now that probably are between that 20,000 and 25,000 square feet.

Michael Serpe:

When does the Min Street cut across going to take place across 31?

Dan Szczap:

We are hopeful of a spring 2020 construction of the offsite improvements.

Jean Werbie-Harris:

All of the improvements would be done and commence at one time.

Michael Serpe:

I would recommend that when that takes place that we work with the state in some way, shape or form that we put some flashing yellow warning lights on both north and south on Highway 31. Because you've got cars going northbound and southbound in that area going 65, 70 miles an hour. And I know the speed limit is 45 but nobody pays attention to it anyway. And here you're going to have people leaving Froedtert and Kwik Trip or coming into it cutting across. I'm just saying some type of warning may be in order here. Also, Dan, I don't know if you can answer this question or not, is Kwik Trip considering electric charging stations in this development?

Dan Szczap:

I can't answer that. I can get that information for you. It will be before the Plan Commission here shortly with their specific plan.

Michael Serpe:

I'll ask that question again.

Dan Szczap:

Just to clarify, on the site, too, just to add on to what Jean said, as this project started as a concept plan things certainly have changed. It's a very challenging piece of property. We were anticipating access from a lot of different areas which didn't happen. And also the offsite improvements have grown substantially as far as the scope of what's going in here. And as that's happened the stormwater requirements have also changed. So this site is being compressed in a couple different directions. So I know at one point there was a larger grocery box shown on the concept plan. But as we get into design engineering and everything else the site is a real challenge.

Nathan Thiel:

Dan, just for clarification, too, I know that there was a question regarding the location on the south end of Main Street Market which had originally been I think the concept plan for some type of gas station or convenience store. And just noting the access has been pretty limited there as far as really it would be just the right in, right out. And I presume that that's also a part of the driving factor for why Kwik Trip and other convenience stores are suggesting towards the north?

Dan Szczap:

So that's correct. We were anticipating access off of Main Street both to serve Building G and the triangle piece north of Main Street. But the DOT has said no on any access. It is a short distance between 31 and Old Green Bay Road. So there will be no access for even loading docks or right in or anything like that on Main Street.

Nathan Thiel:

And then, Dan, just for the purposes of just everybody's interest, I presume there was some discussion or the orientation of the Kwik Trip instead of having kind of the north/south orientation, east/west, but that that didn't necessarily fit there? Their desire for access again, would that be a correct assumption?

Dan Szczap:

I think it was a mix between ourselves and Kwik Trip in laying out the site to orient the development say in an east/west location started to really impact the parking that's needed for the rest of the businesses. So when we looked at their needs from a land area perspective, and convenience stations want a lot of access, this was the site in a north/south orientation that worked for them and for us. If we would have it the other way we would be eating up most of our parking that's needed for the other uses.

Michael Serpe:

Any other comments or questions? Wayne?

Wayne Koessl:

Well, Mr. Chairman, when this was in its conceptual plans we discussed that intersection went out to Highway 31. And I really think we're creating a real monster there, and we're going to have to look at the state putting in traffic signals with left turn signals. Because when they get the green light coming from the south at 165 that speed limit is 55 to the south, and they're rolling 70 miles an hour.

Michael Serpe:

And faster.

Wayne Koessl:

And faster. And that's going to be a real controlled intersection. As much as I hate to see more traffic signals, I think for the safety of people using that it's got to be done.

Mike Pollocoff:

What was the recommendation from the TIA on that?

Jean Werbie-Harris:

There would be signals at Main Street and Highway 31.

Mike Pollocoff:

When would they have to go in, what was the [inaudible] what did the traffic count have to approach?

Dan Szczap:

There's a traffic warrant, a traffic warrant that's triggered by the uses of Main Street. So once certain uses go in it triggers the lights. But as much as we all want lights there right away, the DOT makes that call.

Mike Pollocoff:

I understand, but I mean –

Dan Szczap:

The lights are triggered by use within the development.

Mike Pollocoff:

Okay, you don't remember what the threshold was?

Dan Szczap:

I don't.

Michael Serpe:

Is this going to be something that the Village is going to have to pay for as in the past when we did work on 165 and the I, west of the I that if you want the lights in go ahead and put them in, you pay for them. Is this going to take place like that again?

Jean Werbie-Harris:

The signals are to be paid for by the developer.

Nathan Thiel:

It's in the agreement.

Jean Werbie-Harris:

It's in our agreement.

Michael Serpe:

Okay. Oh, it is in the agreement.

Nathan Thiel:

Yes.

Michael Serpe:

That's good. Who needs the state? All right. Any other comments or questions? What's your pleasure? Thanks, Don. We need a motion. We need something.

Judy Juliana:

I move to recommend a favorable recommendation to the Village Board to approve the Master Conceptual Plan subject to the comments and conditions of the September 9, 2019 Village staff report.

John Skalbeck:

Second.

Michael Serpe:

MOTION MADE BY JUDY JULIANA AND SECONDED BY JOHN SKALBECK FOR APPROVAL OF THE MASTER CONCEPTUAL PLAN. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed?

Wayne Koessl:

No.

Michael Serpe:

The ayes have it. Wayne?

Wayne Koessl:

I'm just afraid of the traffic there.

Michael Serpe:

All right, one negative vote on that. Item F, Certified Survey Map.

Bill Stoebig:

Motion to approve the Certified Survey Map and to subdivide the land within the Main Street Market Development generally located at the northeast corner of the future development.

Judy Juliana:

Second.

Michael Serpe:

MOTION MADE BY BILL STOEBIG AND SECONDED BY JUDY JULIANA FOR THE APPROVAL OF THE CERTIFIED SURVEY MAP. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed?

Wayne Koessl:

I'm going to do a no yet.

Michael Serpe:

And one negative vote from Commissioner Koessl. Thank you, Dan.

G. Consider Plan Commission Resolution #19-11 to initiate a zoning text amendment to amend the R-7, Multi-Family Residential District to provide for a district that allows for single family attached homes.

Peggy Herrick:

This Plan Commission Resolution 19-11 refers to having staff evaluate another type of residential development called Twin Homes. They're very similar to a condominium development. However, in a typical condominium development you do not own the land under which the unit sits. You own the unit and the four walls. A twin home is similar to a condominium except you own the land underneath it and associated with the lot. So there is still a common wall that attaches the two units, however, you own the land and a lot underneath it.

So we've received several inquiries to do this. This allows developer that may have a hard time getting financing for a condominium where you may have to have all the units pre-sold before you can get financing, allows for other options to create the lots but built what's called a twin home which will have a common fire wall separating the two units. So you can see from the picture they look very similar to other two unit condominiums that have been approved in the Village. So we are looking to initiate this resolution so we can further evaluate this type of proposal and bring forth an ordinance for your consideration. So Village staff does recommend approval of Resolution 19-11.

Michael Serpe:

Comments or questions?

Judy Juliana:

Move to approve Resolution 19-11.

Wayne Koessl:

Second.

Michael Serpe:

MOTION MADE BY JUDY JULIANA AND SECONDED BY WAYNE KOESSL FOR APPROVAL OF 19-11. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it. This is an interesting concept.

Peggy Herrick:

It is very interesting. And I think there is a need for us to look at a variety of housing types to provide for different options for all kinds of people and what they're looking for. So I think it's very interesting, and I think it could be something that works very well here.

Mike Pollocoff:

The first use of this was Timber Ridge?

Michael Serpe:

What's that?

Mike Pollocoff:

The first use of this was Timber Ridge. That originally was going to be a condominium development. That's why the setbacks are different there. The development ran into financial problems and evolved into what it was. I think if it's structured properly and regulated correctly I think it's a good idea, too.

H. Consider Plan Commission Resolution #19-12 to initiate a zoning text amendment to re-evaluate and amend the Village traffic and parking requirements.

Peggy Herrick:

This is Resolution 19-12, and this is to initiate a Zoning Text Amendment to allow staff to re-evaluate and amend the Village traffic parking requirements. The last time we looked at this ordinance was in 1999 I believe. And there are a few tweaks that we'd like to make and a few updates that we'd like to make. And so we will re-evaluate this and bring it forward for public hearing and consideration.

Michael Serpe:

Comments or questions? A motion?

Wayne Koessl:

Move approval.

Judy Juliana:

Second.

Michael Serpe:

MOTION MADE BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA FOR APPROVAL OF RESOLUTION 19-12. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

I. Consider Plan Commission Resolution #19-13 to initiate a zoning text amendment to re-evaluate and amend sign requirements.

Peggy Herrick:

This Plan Commission Resolution 19-13 is to initiate a Zoning Text Amendment to allow staff to re-evaluate and amend the sign requirements. Again, this ordinance was written probably back in 1999 or 2000. There are some amendments that we need to make. Since then we've adopted new districts like the M-5 and the B-6. So we want to re-evaluate the sign code to see if we need to make any changes to allow specific signs in those districts. So it's a good time to re-evaluate that section of the ordinance as well. So, again, we will draft an update to this ordinance and bring it to Plan Commission for public hearing.

Michael Serpe:

Comments or questions?

Bill Stoebig:

Move to approve.

John Skalbeck:

Second.

Michael Serpe:

MOTION MADE BY BILL STOEBIG AND SECONDED BY JOHN SKALBECK FOR APPROVAL OF RESOLUTION 19-13. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Michael Serpe:

Opposed? The ayes have it.

7. ADJOURN.

Judy Juliana:

So moved.

Mike Pollocoff:

Second

Michael Serpe:

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

Voices:

Aye

Michael Serpe:

Opposed? The ayes have it. Thanks you.

Meeting Adjourned: 6:56 p.m.