

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
January 10, 2005**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on January 10, 2005. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Jim Bandura; John Braig; Eric Olson and Larry Zarletti. Donald Hackbarth was excused.. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie-Community Development Director, Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CORRESPONDENCE**
- 4. CITIZEN COMMENTS**

Tom Terwall:

If you're here for Items A through D tonight, which are matters for public hearing, we would ask that you hold your comments until the public hearing is held so they can be incorporated as part of the public record. If you're here to speak on any other matter either on the agenda or not, now would be your opportunity to do so. We'd ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak?

Larry Madsen:

Good evening. Larry Madsen, 8550 122nd Street. I've come before the Plan Commission to ask for some clarification. In November you discussed and approved, made a recommendation to the Village Board to light manufacturing on the property east of 88th Avenue and between 122nd Street and 116th. There was a notice that was sent out to some of the homeowners. I didn't receive one. I'm probably not within the zone that would have been notified through the mail. But I did have an opportunity to review that letter that went out, and it showed that east of 88th Avenue that that was M-2. Now, I did listen to you guys recommend M-1, and I did listen to the Board change the zoning to M-1, and I was surprised to see this letter go out that shows a section as being M-2. So I'm looking for an explanation please.

Tom Terwall:

Okay, we'll get you an answer. Anybody else? Anybody else? Anybody else? Hearing none, I'll close the public comments. Jean?

Jean Werbie:

Trustee Terwall and members of the Commission and Mr. Madsen, what happened was when the application was filed by the agent of WisPark, they were requesting at that time M-2. So when the notices go out, because they're sent anywhere from three to four weeks ahead of the hearing typically, that is what they were requesting. After the notices were sent out and we were doing our detailed staff review on the project, we notified WisPark that M-2 would not be supported by the staff, and M-2 actually conflicted with the Village Neighborhood Plan for the Salica's Green Hill Farm Subdivision. So with that and prior to the hearing, the week before the hearing, the agent or representative from WisPark had requested that his petition be modified. So when we came to the hearing, that's what was explained in detail that night was that the petition was actually being modified from the M-2 to the M-1 and M-1 was being considered, and that's what the Plan Commission had recommended, and that's what the Village Board had decided upon was M-1.

Tom Terwall:

Thank you.

Larry Madsen:

Thank you very much.

5. NEW BUSINESS

- A. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AND ZONING TEXT AMENDMENT: The request of Lance Skala agent for WISPARK LLC, owner to amend section 12.26-1 of the Village Zoning Ordinance and correct the zoning map by rezoning those portions of the property removed from the floodplain into the M-2, Heavy Manufacturing District and rezone those portions where floodplain was created into the FPO, Floodplain Overlay District as a result of the floodplain boundary adjustment being completed; and to correct the zoning map related to the wetlands that were rezoned on February 17, 2003 (Ord. #03-08) into the C-1, Lowland Resource Conservancy District wherein portions of the legal descriptions of the wetland areas were incorrect on the properties generally west of 88th Avenue between 113th and 122nd Streets.**

Jean Werbie:

Trustee Terwall and members of the Plan Commission, on February 17, 2003 the Village Board adopted Resolution #03-10 related to the petitioner's request to amend the 100 year floodplain boundary as delineated and shown on the Des Plaines River Watershed Floodplain Maps prepared by the SEWRPC in Report No. 44. entitled "A Comprehensive Plan for the Des Plaines River Watershed in Progress" for a part of U.S. Public Land Survey Sections 29 and 31, Township 1 North, Range 22 East in the Village.

The project involved the removal of 111,708 cubic feet of floodplain within the easement area out of the floodplain and the creation of 113,658 cubic feet of floodplain adjacent to the existing floodplain to compensate for the floodplain proposed to be filled. In other words, it was a cut and fill analysis. Some floodplain was filled, and a larger amount of floodplain area was created. In accordance with the Floodplain Ordinance, the Village shall not permit amendments to the

floodplain that are inconsistent with the purposes of the Village Zoning Ordinance, or in conflict with the applicable rules of the DNR and FEMA.

As a condition of this approval and prior to adjusting the 100-year floodplain on said properties, the petitioner shall receive approval from the Wisconsin DNR and the petitioner shall receive a conditional LOMA or a LOMR-BOF. Again, a LOMA is a letter of map amendment and a LOMR is a letter of map provision, prior to work commencing on the site. Upon receipt of the conditional LOMA or LOMR's, a copy of said approvals shall be submitted to the Village prior to the issuing the required Erosion Control Permit. These approvals were obtained on August 9, 2002 and May 21, 2003, respectively, and the Village issued an Erosion Control Permit on June 9, 2003.

Upon completion of the adjustment, a detailed topographic map with the soil calculations specifically identifying the location and volumes cut and filled was completed and the petitioner submitted the approval letter with the detailed map and calculations to FEMA to receive a final LOMR from FEMA. Upon receiving the LOMR from FEMA, the petitioner shall request a Zoning Map and Zoning Text Amendment to amend the Text and Floodplain Map of the Village. This final LOMR was obtained from FEMA on October 22, 2004. Therefore, to comply with Village Board Resolution #03-10 the petitioner is requesting to amend the Village Floodplain Map and Text accordingly.

In addition to the amendments to the Floodplain Map and Ordinance, the petitioner is requesting to correct the legal description of the wetlands on the properties that were field delineated and were rezoned on February 17, 2003 with Ordinance #03-08, into the C-1, Lowland Resource Conservancy District. Ordinance #03-08 had some legal description errors and the zoning map amendment corrects those errors.

This is a matter for public hearing, so, again, the two items for consideration this evening. One is the finalization of the floodplain map adjustments and corrections based on the FEMA approvals, and the second is to correct the legal descriptions as part of the wetland field delineations completed by WisPark. Again, the field delineated wetlands were placed into a wetland zoning classification, but we now require these very detailed legal descriptions, and when they did the final analysis and they drew it on the CAD system, it didn't close, so there was an error and we're correcting that original wetland delineation legal description. With that, this is a matter for public hearing.

Tom Terwall:

This is a matter for public hearing. Is there anyone wishing to speak on this issue? Anybody wishing to speak? Anybody wishing to speak?

Lorna Shana:

Hi, I'm Lorna Shada, 12349 87th Avenue, Pleasant Prairie. It's my understanding in meeting I believe in 2003 they zoned south of where they're talking about rezoning to M-2 currently, they approved to put condos there. Isn't that conflicting now to go and put manufacturing right across the street from where they approved the plan for putting condos?

Jean Werbie:

As part of the Neighborhood Plan for the Salica's Green Hill Farms development, it was always envisioned that there would be manufacturing on this site, and then as part of that neighborhood plan update the condos were to be south of 122nd Street. In fact, the developer who actually owns that land who eventually wants to develop condos, again that land has not been rezoned yet, it's just been identified on the Neighborhood Plan, was here this evening and he had just wanted to find out what was going on with respect to the WisPark rezoning for the floodplain boundary adjustments, and he had no opposition to their request this evening.

But, again, the Neighborhood Plan was approved for the condominiums. It had not yet been rezoned, but that was part of the plan that we had developed back in 2003 that there would be condos west of 88th Avenue and south of 122nd and either manufacturing or open space depending on where the environmental restraints were located would be located north of 122nd west of 88th.

Tom Terwall:

Thank you. Anybody else? Anybody else? Hearing none, I'll close the public hearing and open it up to comments and questions from Commissioners and staff.

Wayne Koessl:

If there's any questions from the Plan Commission, I'll go into the audience and answer them for WisPark, but I think we've complied with all of the regulations.

Jean Werbie:

I just want to point out, because I didn't know that was on this particular map, Tom's going to show you on the overhead that actually just north of the condos there's a large area or extent of conservancy, and Mr. Steve Estes who was just here, he just wanted to make sure that that was going to remain as a wetland conservancy area, and I indicated yes to him at that time. So just so you know there is a buffer conservancy area before the manufacturing would start.

Mike Serpe:

Mr. Chairman, I'd move approval of the zoning map and the zoning text amendment.

Jim Bandura:

Second.

Tom Terwall:

ANY COMMENTS OR QUESTIONS? IF NOT, IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA TO APPROVE THE ZONING TEXT AMENDMENT AND THE MODIFICATIONS TO THE MAP AS INDICATED 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.

- B. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN:** The request of Warren Hansen P.E., agent for Creekside Hill LLC, owner of the property generally located east of 39th Avenue at 114th Place for a Conceptual Plan to dedicate and construct a cul-de-sac at 114th Place and create four (4) single family lots on said property.

- C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT:** The request of Warren Hansen P.E., agent for Creekside Hill LLC, owner of the property generally located east of 39th Avenue at 114th Place for a Zoning Map Amendment to rezone Lots 1, 3 and 4 into the R-3, Urban Single Family Residential District; to rezone the trees on Lot 2 into the C-2, Upland Resource Conservancy District; the non-wooded area on the western portion of Lot 2 into the R-3 Urban Single Family Residential District and the area generally located east of the wooded area will remain in the A-2, General Agricultural District.

Jean Werbie:

Mr. Chairman, actually both Items B and C are related. if we could bring that item up on the table as well and discuss it. Separate actions would be needed for both items, but I'll just make one presentation on the conceptual plan and the related zoning map amendment that goes along with that.

John Braig:

So moved.

Wayne Koessler:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO BEING BOTH ITEMS UP TOGETHER. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Jean Werbie:

And, again, that second item is the zoning map amendment as it relates to the development of the Creekside Hill project. The petitioner is proposing to subdivide Outlot 5 of the Country Lane Subdivision generally located east of 39th Avenue at 114th Place into four single family lots. The existing home and outbuildings on the property are intended to be removed or razed.

The 17.10 acres of land is proposed to be developed into four lots: Lot 1 is proposed to be 28,500 square feet; Lot 2 is proposed to be 9.06 acres; Lot 3 is 53,900 square feet; and Lot 4 is proposed to be 27,900 square feet. Each of the lots meets and exceeds the minimum requirements of the R-3, Urban Single Family Residential Districts, which requires each lot to be a minimum of 20,000 square feet, which is about a half an acre, with 100 feet of frontage. The area of the property that is currently zoned C-2, Upland Resource Conservancy District, does not include the full extent of the woodlands on the property, and the petitioner is proposing to rezone the woodlands on the site into the C-2, Upland Conservancy District designation. Lots 1, 3 and 4 are proposed to be rezoned into the R-3, Urban Single Family Residential District; the woodlands on Lot 2 are proposed to be rezoned into the C-2, Upland Resource Conservancy District; the non-wooded area on Lot 2 would remain in that R-3 District. The balance of Lot 2 to the east, which is largely open rural area that is likely going to continue to be farmed, is going to remain in the A-2, General Agricultural District. This area that is proposed to remain A-2 will be farmed and no structures, including fences will be able to be constructed on this portion of the property. The only exception might be an agricultural field fence that they may be requesting around the property. In the future, as land develops north of this A-2 area and access is provided from this land, it may be able to be further subdivided. As you will recall, the land that's north of this is actually owned by the Kenosha Unified School District where they were proposing at one point to put a middle school and an elementary school and a park area. The Declaration of Restrictions Covenants and Easements for the single family development have been submitted for the staff's review.

There are no wetlands on the property; however there are wetlands on the adjacent property to the south, which is Outlot 1 of Country Corner Subdivision and Outlot 4 of Country Lane Subdivision that were field delineated by the Wisconsin DNR. Tobin Creek, a navigable waterway, is also located on the adjacent properties on Outlot 1 of Country Corner Subdivision and Outlot 4 of Country Lane Subdivision.

This development will have little impact on the Village's population:

- 4 total dwelling units.
- 11 persons would be generated from the development.
- pursuant to the information provided by the Kenosha Unified School District for Pleasant Prairie based on .42 x number of dwelling units, approximately two public school age children are likely to come from this development.

TREE PRESERVATION: A tree survey was completed on the property and the extent of the trees is greater than was currently zoned C-2, Upland Resource Conservancy District, and the petitioner is requesting to rezone the greater extent of the trees into the C-2 area to protect them. Tree Preservation Easements are located on the Lots 1 and 2 as shown on the Conceptual Plan. All tree preservation easements including Outlot 2 shall be labeled on the plans as "Dedicated Woodland Conservancy, Access and Maintenance Easement." The staff will work with the

Developer to draft the appropriate language to protect the trees on those properties. The location of utility easements will need to be examined to ensure that minimum disturbance to the trees.

RETENTION AREAS: Retention facilities to handle the storm water management on this site is provided in an easement on Lot 2. The easement shall be labeled as a "Dedicated Storm Water Management, Retention Basin, Access and Maintenance Easement." The Developer's engineer has evaluated the development site, based on actual field conditions and has presented a storm water management facility plan to the Village for our review. This plan needs to meet the Village's requirements, as well as the new Chapter 151 requirements of the Wisconsin DNR as a consideration of the final plat approval.

SITE ACCESS: This development will have one access point onto 39th Avenue onto and from the new roadway that's identified as 114th Place. It will be a cul-de-sac constructed with urban improvements, sewer, water, curb and gutter and storm sewer which will provide access to the four lots proposed to be created. Permits are required from Kenosha County for this roadway connection to CTH EZ. There will be no direct driveway access to CTH EZ and noted on the plans. Gary Sipsma from Kenosha County did review their plans and has submitted a letter and has conditions with that letter that are attached to these conditions.

With that, this is a public hearing. The petitioner and developer is in the audience, and I'm not sure if they want to come up and add anything additional. Their engineer is going to be adding some additional comments.

Warren Hansen:

Warren Hansen with Paris, Hansen and Associates at 7 Ridgeway Court in Elkhorn. I'm the engineer/surveyor for the development. Basically that drawing is basically what's on the board up here. I did want to just add something to the comments relative to the woodland preservation areas that were discussed. We will be, or they are defined as separate areas to be protected with covenants and restrictions as an area. I think we had talked to Jean about some separate language on that, a little bit different than what your typical easement restriction type things are. Does that still apply, Jean?

Jean Werbie:

Yes, that was part of the staff comments, too.

Warren Hansen:

And that would be applied toward that in the end. So I don't have a problem, but I just wanted to raise that with Jean. Obviously, there's sewer and water on 39th, and we'll be extending that in, and all the units would have basement service. This is that little hill area there that's now existing. We're not really changing grades much, just bringing in a little stub street to serve the four lots. And the owner and developer wants to build on lot 2 and continue to own that area.

Tom Terwall:

Is this the property that was formerly known as the Stahl farm?

Jean Werbie:

No, this is actually south of that. This was actually owned by Pearl Gowitzer at one point.

Warren Hansen:

This is all part of the Country Lane part, then this is set aside as an outlot back there, and this is the redivision or the finalization of that.

Tom Terwall:

Is there anybody else wishing to comment? Anybody else? Anybody else? Hearing none, I'll close the public hearing and open it up to comments and questions from Commissioners and staff.

John Braig:

I have a question. This property has agricultural buildings on it yet, doesn't it, this site?

Jean Werbie:

There's a house and an out building on it right now, a barn.

John Braig:

Can somebody point them out on the plat?

Warren Hansen:

I can show it to you up here, and that is what Jean is point to over there. They're dashed on the drawing. They're pretty hard to see, but one of the out buildings is here and right here. They're right in the center of this area and they would be all removed when we start our work.

Tom Terwall:

Thank you.

Warren Hansen:

Oh, they're gone already.

--:

Except for the two car garage. Everything else is gone.

Mike Serpe:

Mike, if I may, the Tobin Creek had a little bit of a problem with some drainage. Will this help that cause in the future?

Mike Pollocoff:

The engineer's design as he completes it, it can't hurt it. I'm not sure that it's going to help it. The Tobin Creek basin is really large. This is just a small piece of it, but knowing what we know about that basin, we're going to be looking at it as cautiously as ever to make sure that there isn't any downstream impacts.

Warren Hansen:

I could maybe add to that. We are proposing a small storm water management area of our own for this little area, and basically have shown that the result of this small development on the control of what we're putting in will not adversely affect or increase the existing runoff.

Mike Serpe:

Thank you.

Wayne Koessl:

Mr. Chairman, if there aren't any further comments or questions from the Plan Commission I would move approval of the conceptual plan subject to the comments above and the following conditions outlined in the staff memorandum.

Larry Zarletti:

Second.

Tom Terwall:

MOVED BY WAYNE KOESSL AND SECOND BY LARRY ZARLETTI TO APPROVE THE CONCEPTUAL 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 we need a motion regarding the rezoning.

Mike Serpe:

Mr. Chairman, I'd move approval of the zoning map amendment.

Wayne Koessl:

I'll second.

Tom Terwall:

MOTION BY MIKE SERPE AND A SECOND BY WAYNE KOESSL TO APPROVE THE ZONING MAP AMENDMENT AS INDICATED 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.

D. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT: To correct the Zoning Map and rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District on the Boucher Ford property (f/k/a Nudi Suzuki) located at 8301 75th Street.

Jean Werbie:

Chairman Terwall, on November 22, 2004 the Plan Commission adopted Plan Commission Resolution #04-26 to initiate a zoning map amendment to correct the Village Zoning Map as a result of a wetland staking completed in March, 2004 by National Surveying & Engineering on the property located at 8301 75th Street and commonly known as Boucher Ford, formerly known as the Nudi Suzuki property), Tax Parcel Number 91-4-122-092-0130.

The Zoning Map Amendment proposes to correct the Zoning Map and accordingly adjust the C-1, Lowland Resource Conservancy District boundaries to reflect the outcome of the recent March 2004 wetland delineation. The wetland portions of the property will be placed into the C-1, Lowland Resource Conservancy District, from the B-2, Community Business District, and the non-wetland portions of the property will be placed into the B-2 District.

In a letter dated August 16, 2004, Ms. Heidi Hopkins, Water Management Specialist with the WIDNR, she provides concurrence with the National Surveying & Engineering wetland delineation.

This is a matter for public hearing. The staff does recommend approval of the zoning map amendment.

Tom Terwall:

Anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, John?

John Braig:

This parcel had zoning of B-2 and C-1 prior, did it not?

Jean Werbie:

Yes.

John Braig:

I think in an instance where we're basically just making adjustment to boundaries, in the future I would like to see a copy of the old boundaries so we can compare them with the new, because that's basically all we're doing here is making a comparison, right?

Jean Werbie:

Correct. We don't have a copy of it here this evening, but it's almost identical to what it was. We have a large scale copy if you'd like to take a look at it.

John Braig:

That's good.

Wayne Koessl:

Mr. Chairman, I would make a motion for approval of the zoning map amendment as presented.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY WAYNE KOESSL AND A SECOND 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.

E. Consider the request of Attorney Paul B. Wokwicz, agent for John Cina, property owner, for a Certified Survey Map to subdivide the property located at the northwest corner of Springbrook Road and 26th Avenue in to two (2) parcels.

Jean Werbie:

Commissioner Terwall and members of the Plan Commission, the petitioner is requesting to subdivide the property located at the northwest corner of Springbrook Road and 26th Avenue into two parcels.

The property, Tax Parcel Number 91-4-122-134-0680, is zoned R-6, Urban Single Family Residential District, which requires that lots to be a minimum of 6,000 square feet in area and have a minimum lot frontage on a public street of 60 feet. In addition, the Village Land Division Ordinance requires that all new lots have a minimum depth of 125 feet.

Lot 1 – Lot 1 is vacant and is proposed to be 7,341 square feet with 73.41 feet of frontage on 26th Avenue and a lot depth of 100 feet. Lot 1 exceeds the minimum lot size and frontage requirements of the R-6 District. However, Lot 1 does not meet the required 125 feet of lot depth pursuant to the Land Division Ordinance.

The petitioner has applied for a 25 foot lot depth variance from Section 18.0706 F. of the Village's Land Division and Development Control Ordinance to allow Lot 1 to have a lot depth of 100 feet. The variance is being considered at a public hearing before the Village Board at its January 17, 2005 meeting.

Lot 2 - Lot 2, a corner lot, is vacant and is proposed to be 12,243 square feet with 125 feet of frontage on 26th Avenue and 100.13 feet of frontage on Springbrook Road and a lot depth of 125 feet. Lot 2 exceeds the minimum lot size, frontage and depth requirements of the R-6 District.

A note has been added to the CSM ensuring the driveway access to Lot 2 is from 26th Avenue, a local road, rather than from Springbrook Road, a county trunk highway. The note states: "Driveway access to Lot 2 shall be restricted to 26th Avenue; there shall be no driveway access to Springbrook Road".

The CSM dedicates an additional 10.25 feet to the north ½ of Springbrook Road right-of-way, increasing the north ½ Springbrook Road right-of-way to 35 feet.

As shown on the CSM, WE Energies is requiring a 12 wide Dedicated Utility Easement along the full length of the west property line of both Lots 1 and 2.

As information to the property owner and any subsequent property owners, this area of the Village has a rather flat topography and has had a past history of storm water drainage problems.

The subject property is not located within the limits of the 100-year floodplain however, and it's not located within a shoreland jurisdiction and does not contain any wetlands.

Both municipal water and sanitary sewer are available in 26th Avenue and Springbrook Road, and new dwellings will be required to connect to those services. According to the Village Finance Department, there are no outstanding taxes on this property. However, there is a special assessment for storm sewer. I think that's been paid to be honest. I think that storm sewer has been paid, and a water service fee of \$2,500, which will be billed upon completion of the storm sewer and water main projects. As information, the storm sewer and water main projects are completed. There will be a \$1,600 per residential unit sewer connection fee for sanitary sewer for any new connections.

This is a matter which is not a public hearing before the Plan Commission, and the staff does recommend approval of the certified survey map to create these lots subject to the comments and conditions as outlined in the staff memorandum. Again, I believe that storm sewer fee of \$13.44 has been paid. I did speak with the assistant–

Tom Terwall:

Without trying to put words in your mouth, is staff going to recommend approval of the 25 foot variance to the Village Board?

Jean Werbie:

Yes, we are.

Tom Terwall:

Comments or questions.

Larry Zarletti:

The 25 feet that we're talking about seems like an awful lot, and generally variances are not granted in the Village to my understanding, so why in this case?

Jean Werbie:

Two things. First of all, this is not a variance that is going to the Zoning Board of Appeals. It's a variance that's going to the Village Board because it reflects a modification change or a difficulty that has been presented as a result of the Land Division Ordinance. So there are two different ordinances, one of which is tracking pursuant to the State Statutes and restrictions pursuant to the State Statutes. And in the Land Division Ordinance, this was a requirement that we have just put into play in the last ten years, and what we are trying to discourage is excessively short or narrow in depth lots within new subdivisions based on the size of homes that are being constructed and the type of development that we are trying to encourage in new development areas.

This is an existing older subdivision. There are many, many, many lots in this particular area that only have lot depths of about anywhere from 100 to 125 feet in depth. And as such, it's not inconsistent with lots of similar size and character of that particular area, and we recognize that it is a practical difficulty that has been created as a result of this ordinance that we wrote in the last 15 years.

Mike Pollocoff:

The other thing I'd add, Commissioner Zarletti, is the lot depth for parcels on 26th Avenue on the west side is 100 feet between Springbrook Road and 89th Street. It's a plat that was approved in the early '50s. There's no way unless the property owners bought land from the people behind them to attach it and there's a home there in order to make that. So the variance in all actuality would kind of make it conforming with all the existing lots there. The Land Division Ordinance is really set to guide development as it occurs. But when there's minor development such as CSM's and existing old plats, that's really where this variance comes into play so we can have a

lot that might not be conforming with all the newer subdivisions, but it's conforming with an existing older plat that was created at an older time or earlier time.

Larry Zarletti:

Thank you.

Mike Serpe:

Move approval of the certified survey map.

Larry Zarletti:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY LARRY ZARLETTI TO APPROVE THE CSM 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. Jean, if that comes to the Village Board next week and the Village Board should not approve it?

Jean Werbie:

Then they would need to deny the certified survey map as well.

Tom Terwall:

Because it is buildable in its current condition, is that not correct? You could build one house on it now?

Jean Werbie:

Correct.

Tom Terwall:

Thank you.

6. SUCH OTHER MATTERS AS AUTHORIZED BY LAW.

7. ADJOURN.

Wayne Koessl:

Move adjournment.

John Braig:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.