

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
June 27, 2005**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on June 27, 2005. Those in attendance were Thomas Terwall; Larry Zarletti; Donald Hackbarth; Wayne Koessl; Eric Olson; Jim Bandura; John Braig and Judy Juliana. Michael Serpe 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.**

Jean Werbie:

. . . Interstate all the way to the east to about 43rd Avenue which is in the City of Kenosha. The City, the Village, the County and the State and the consultants have been working together along with a number of businesses along Highway 50 in order to help put together a good plan. The Village still has a few concerns from the staff's perspective, and we will be presenting some concerns and comments to them over the next few weeks. But since it is an open informational meeting, I'd encourage Plan Commissioners to attend the open house sometime between 4:30 and 7.

Don Hackbarth:

Jean, does this have anything to do with 104th?

Jean Werbie:

No. 104th Avenue intersection with 50 but not 104th Street.

Tom Terwall:

Is this going to be a presentation or public hearing or just question and answer? What's the format going to be?

Jean Werbie:

My understanding is it's going to be an information meeting, so with that it sounds like the maps will be hanging up on the wall or up on boards within the main area of the hospital for viewing, and individually you can go up and ask questions. There will be DOT as well as consultant representatives from . . . so you can specifically ask questions. I'm not sure if they're taking any testimony or any specific questions in writing from anyone at that time. But what they do plan to do is to have it not a formal presentation to my knowledge.

John Braig:

How is this different than the meeting that they had at Gateway a month or so ago?

Jean Werbie:

How is going to be different?

John Braig:

Is it a repeat or is it different?

Jean Werbie:

The meeting that they had about a month ago was regarding Highway 50 and the I-94 interchange improvements. This actually takes you from 118th Avenue east on Highway 50 all the way to 43rd Avenue. So I think it might be a similar format, but it really focuses more in on both the City and the Village and our adjacent land uses and access restrictions that they're proposing.

Tom Terwall:

Thank you.

4. CONSIDER THE MINUTES OF THE MAY 23, 2005 PLAN COMMISSION MEETING.

John Braig:

Move they be approved.

Wayne Koessl:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND A SECOND BY WAYNE KOESSL TO APPROVE THE MINUTES OF THE MAY 23, 2005 MEETING OF THE PLAN COMMISSION AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS

Tom Terwall:

If you're here for Items A or B those two items are matters of public hearing. We would ask that you hold your comments until the public hearing is held and your comments will be incorporated as a matter of the public record. If you're here to speak on Items C or D or any item not on the agenda, now would be your opportunity to do so. We would ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments? Anybody wishing to speak?

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF ZONING MAP AND ZONING TEXT AMENDMENT for the request of Kurt Meeske, agent for Prime Outlets at Pleasant Prairie, LLC, for a Zoning Map Amendment to rezone and add a Planned Unit Development (PUD) Overlay District designation over certain properties [from B-3 (UHO), Regional Retail Business District to B-3 (PUD), Regional Retail Business District with a Planned Unit Development Overlay], to modify existing PUD language over certain properties and to amend the Village Zoning Ordinance pursuant to Chapter 420-137 of the Village Zoning ordinance to prescribe the specific zoning regulations applicable to the PUD Overlay District (Zoning Text Amendment), for the Prime Outlets regional retail shopping center.

Jean Werbie:

Mr. Chairman, the petitioner is requesting a Zoning Map Amendment and Zoning Text Amendment to create a Planned Unit Development for the properties that comprise the existing Prime Outlets regional retail center and the proposed Phase V expansion of the center.

As background information, Prime Outlets is continuing to acquire the proper Village approvals for the expansion of the regional retail center known as Phase V. The Phase V expansion plan proposes to enlarge the current facility by constructing two leaseable retail buildings of approximately 90,190 square feet and 59,260 square feet for a total of 149,450 square feet of retail store space on approximately 12.21 acres. Additionally, Phase V proposes the construction of a third approximate 11,000 to 13,000 square foot center court facility which would consist of lounge areas, food tenants, restrooms, information center, merchant kiosks and related services, known as the Lodge. In addition, two separate 3,500 square foot restaurant/retail outlot pads are to be located at the 108th Street, 116th Avenue and Corporate Drive intersection and on 120th Avenue just south of a second entrance to Prime Outlets. At this time they have not identified any restaurants or tenants for those two outlots.

Previous Approvals for Phase V Development:

- < Village Comprehensive Land Use Plan Map Amendment - On May 23,2005, the Plan Commission approved Resolution #05-05 to change the land use designation of the three Phase V Prime Outlets properties from the Commercial Office Center to Commercial Freeway Regional Retail Center. Subsequently on June 6, 2005, the Village Board adopted Resolution #05-30 to support the Comprehensive Land Use Plan Amendment.
- < Master Conceptual Plan - On May 23, 2005, the Plan Commission recommended conditional approval of a Master Conceptual Plan, and on June 6, 2005, the Board

conditionally approved that same plan. Approval of the Conceptual Master Plan provides the applicant and property owners with the information and direction that the Village does endorse the project and that they can continue to proceed with the very detailed site and operational plans for the particular project for the Village's review.

- < Preliminary Site and Operational Plan - On May 23, 2005, the Plan Commission conditionally approved the Preliminary Site and Operational Plans to allow mass grading of two of the Phase V properties, further identified as Tax Parcel Numbers 92-4-122-302-0108 and 92-4-122-302-0126. Any grading of the GTE/Verizon parcel in association with Phase V will require approval from GTE North, Inc., the property owner.
- < Zoning Map Amendment - On May 23, 2005, the Plan Commission recommended conditional approval of a Zoning Map Amendment to rezone the three Phase V properties from the B-5 Freeway Office District to B-3 (UHO), Regional Retail Business District with an Urban Land Holding Overlay District. Subsequently, the Board also approved those amendments on June 6, 2005, with Ordinance #05-21.
- < Agreement - On June 6, 2005, the Village Board approved of an interim Agreement with the Developer, Prime Outlets at Pleasant Prairie LLC, and was related to the development of Phase V. The Agreement pertains to municipal water connection/fire suppression system issues, security issues, construction timing and guarantees and performance bonds related issues.

At tonight's meeting the petitioner is requesting approval of a zoning map and a zoning text amendments. And as I mentioned at a previous meeting, their zoning was actually a two step process. The first step was to get it into the B-3 District with the UHO overlay, and now they're coming this evening for the PUD to replace the UHO.

The existing Prime Phases I through IV properties are currently zoned B-3. There are wetland areas on the property that are currently zoned C-1, Lowland Resource Conservancy. Those wetland areas will remain in that conservancy district.

1. Tax Parcel Number 92-4-122-302-0107 is a 0.39 acre property, owned by GTE North. This parcel currently has 127 feet of frontage on 110th Street. However, the petitioner has requested the Village to vacate this portion of 110th Street. If this street vacation is approved by the Board, and I believe that's scheduled for public hearing on August 1st of this year, then this GTE parcel will not have frontage on a public street; however, there will be cross-access easements that are entered into between Prime and GTE which the Village will be provided copies of to verify that there is access to and from that particular parcel.
2. Tax Parcel Number 92-4-122-302-0108 - Prime Outlets has a Contract to Purchase, pending acquisition of all necessary permits of this 5.31 acre property from WisPark LLC. This corner parcel has 555.28 feet of frontage on 110th Street and 403.69 feet of frontage on 116th Avenue.
3. Tax Parcel Number 92-4-122-302-0126 - Prime Outlets has a Contract to Purchase, again from WisPark, pending acquisition of all necessary permits, this 6.51 acre property. This corner parcel has a combined total frontage of 1,107.33 feet on 108th Street and 116th Avenue.

Surrounding Zoning - The surrounding properties are zoned as follows:

- < North – B-4, Freeway Service Business District, consisting of a vacant parcel immediately east of the Radisson Hotel and I-1, Institutional District, consisting of a Village-owned water tower.
- < South – B-3 (PUD) and C-1, consisting of Phases I and II of Prime Outlets and A-2, General Agricultural District, consisting of the 108 acre rural land/farmstead owned by James Hart.
- < East – B-5, Freeway Office District, consisting of two vacant parcels owned by WisPark LLC.
- < West – B-3 (PUD), consisting of Phases III and IV of Prime Outlets.

The B-3 Zoning District regulations require lots to be a minimum of 10 acres with a minimum frontage of 600 feet on a public street. As noted, the three parcels meet the 10 acre size requirement and the GTE parcel does not meet the 600 foot frontage requirement. The proposed PUD Ordinance for Prime Outlets will allow these lots to vary from these requirements as part of the unified business development.

The proposed B-3 (PUD) zoning designation is consistent and compatible with adjacent land uses and Zoning Districts. As noted above, all of the surrounding, abutting properties are zoned commercially with the exception of the water tower. These commercially zoned properties contain retail and service uses. Again, surrounding uses to this site, Prime Outlets, Radisson Hotel and Chancery Restaurant, McDonald's, Culver's, and BP Amoco, which serve the freeway traveler and have similar traffic patterns and a similar customer base.

ZONING TEXT AMENDMENT (PUD)

The proposed Prime Outlets requires and reinforces that the Prime Outlets development will continue to provide for development and uses on the site in conformity with the adopted Village Comprehensive Plan and in compliance with the basic underlying B-3 District, as well as the C-1 District, with the goal of facilitating development in a fashion that will not be contrary to the health, safety, economic prosperity, and welfare of the Village, with the additional goal of encouraging proper maintenance of the structures, landscaping, parking areas, lighting, signage and general site development so as to promote an attractive and harmonious commercial regional retail center area, and to seek to achieve a business environment of sustained desirability and economic stability that will operate as a uniform commercial development, and will seek to avoid unreasonable adverse effects to the property values of the surrounding properties and surrounding neighborhood. That's an important finding for this Plan Commission to reach, because PUDs are not taken lightly in this community, and in order to have a PUD on a particular property we need to make sure that it is in the best interest of the entire community to move these forward.

The PUD gives us some with respect to requirements in the zoning ordinance and, in particular, the dimensional requirements of the ordinance. The staff is recommending that these requirements be supported by the Plan Commission because with a development of this size and this type of uniqueness we need to be able to be flexible. It doesn't fit nicely under any one category within that B-3 District in that based on the size, its location, the proximity to adjacent

environmental features and all the elements that we're trying to create on this particular property it just needs some flexibility with some of those dimensional requirements.

As stated in previous public hearings, the community benefits associated with the PUD have been outlined for you below. Again, it goes without saying that tourism and tourism-related spending is a major benefit for this community and Kenosha County, and this happens to be I believe the highest grossing taxpayer in the community as well as one of the number one tourist destinations for people coming to this state and this area. There's increased associated secondary spending, increased retail shopping options. With this particular development there's going to be construction of a center court area, and as soon as I'm done with this part of the presentation we'll have the developer come up and have the Plan Commission come down and he can kind of walk us through. It's nice to put together a model of this project so that everyone can get a feel for an understand exactly how this site and pedestrians and cars will circulate within this particular site and the options that they'll have open to them.

There's increased employment opportunities, increased Village real estate tax revenues, increased State and County tax revenues, and just again giving us an opportunity to continue to promote Pleasant Prairie and this area as a great place to live, work and play. That's very significant for us to continue to promote a quality of life to our community.

Due to the uniqueness of the development, the Prime PUD allows for the flexibility of the ordinance. What we've done is set forth on the next several pages 20 different areas where through the staff's negotiations with the developer we've outlined some flexibility that was going to be need. One of the other things I wanted to point out to you was we were still discussing some items with the developer as late as this morning, and so the pink copy of the ordinance that you have before you is the one that you should pull out. The changes that we discussed as recently as this morning are bolded in the text. Everything else is the same except for the bolding of various information.

I'm not going to read the ordinance verbatim for you this evening, but I'm just going to highlight some of those changes from the general ordinance that this PUD is going to provide for Prime.

The first is the B-3 lot size. Lot size is generally specified, and what we've done is that because there are multiple parcels on this property for financing and other reasons, the lot sizes are gong to vary. Some are going to be smaller and some are going to be a little bit larger, but each individual parcel is not ten acres. Collectively they are ten acres in size, and we've given you a range in the staff comments there of the various sizes of the parcels that are going to make up this unified business development.

The second is that pedestrian/vehicular cross-access easements need to be provided to the Village, copies of them. The reason why these are important is some of the parcels within the property are not going to abut upon Village public roadways, so there needs to be cross-access easements for not only driveways but parking and accessibility throughout this site, because there could be multiple owners on this particular property.

The third is B-3 Lot frontage on a public street. Again it does not meet all the minimums for that 600 feet of frontage.

The fourth is B-3 gross floor area. It reduces the minimum gross floor area buildings from 50,000 square feet to 3,500 square feet. Again, collectively there's over 400,000 square feet out

here of retail space, but the spaces could vary anywhere from the restaurant outlot buildings at 3,500 square feet up to the largest tenant that's within the center

Number five I'm going to come back to. Number 6, B-3 building setback specify certain reductions in building setbacks from property lines and wetlands. We do have a detailed exhibit. In some cases there are some minor setbacks for the right of way for parking, for building setback, and those items are identified for you in the map that's in the back of the ordinance. There's little clouded areas that identify where all the setbacks are going to be dimensionally reduced from what is required by the ordinance.

The next is number seven, B-3 detached accessory building/trash enclosure standards. We've needed to work with Prime in some cases just as a matter of practicality for this development. They are not going to have individual, complete enclosed brick or stone or block enclosures for every single one of the dumpsters. There's dumpsters for every single tenant, and so collectively we are trying to do some screening with walls as well as berms and landscaping to collectively screen the trash enclosure areas. Those that are abutting public roads we will be requiring some additional enclosures, but if it's between two buildings, clearly the only folks that should be traveling behind the buildings between the two buildings are either people making deliveries, employees or the garbage men. Those are the areas that will be screened at the ends but may not be screened all the way through the court area between the two buildings.

Number eight, number of principal structures per lot that's not applicable. We've got multiple structures per lot and we've written in a provision to allow for that.

Number nine, B-3, number of detached accessory buildings and/or detached trash enclosures. Again, based on the comments I made previously that will vary on the site.

Number ten, signs requirements. Sign requirements shall comply with existing Ordinance #02-71 that the Prime Outlets has on file with the Village for the PUD ordinance that we adopted previously. If there's any modifications that need to come in the future with respect to that sign ordinance they'll be coming back for any changes with respect to that.

Number 11, compliance with the agreement that is currently on file. If we need to do any refinement of that agreement that will come prior to the final site and operational plan approvals that will need to come before this Plan Commission.

Number 12, construction design standards and roof lines. With respect to the existing Prime Center, there is some uniqueness as to the architectural style, and we felt that it was both of necessity as well as consistency within this unified development in order to keep with some similar sight lines and designs. Although the ordinance today would not require, for example, some flat roofs and such, that Phases I through IV have, we thought for that consistency we would want Phase V to be of similar architecture and design. They are going to be adding some corner elements and some unique things to help bring the design more up to date and such, but they're going to be staying with a very similar design as the previous phases. The exception is the Lodge, which is the center court building, and the two outlots, one at the northeast corner and over here at the southwest corner. Those buildings as restaurants, whatever type of use, they will need to comply with roof lines and architectural design guidelines and such that are set forth in the site and operational plan ordinance of the zoning ordinance provisions.

Number 13, related to screening of all roof-mounted mechanical or electrical systems, it's not been clear before but we wanted to make sure it was clear that basically we want to see

mechanical units screened or put as far back as possible to make sure that there are front elements or facades that cover those mechanical units from being seen by the public and that's clarified in there.

Number 14, construction designs standards and exterior walls of principal and accessory structures. Again, this was a point that was brought up today. The way the ordinance is written we don't allow EFIS materials to be used as the primary material on new commercial buildings, but we felt that in order to be consistent and to create that unified business development, we would allow them to continue to use EFIS as they did before and the amount of glass which is a great deal on the fronts of all the stores to be consistent. Again, the new restaurants and the Lodge building which are stand alone commercial structures would not be able to use that same criteria. They do need to meet the minimum requirements set forth in the site and operational plan provisions for the architectural and designs and the materials being used on the buildings.

The next, 15, utility substation buildings. The conditional use permit generally rescinds the requirements of a lot size, lot frontage and setbacks for the utility substation, again, with cross-access easements being provided.

Number 16, traffic parking and access related to the location and setbacks of parking spaces and driveway setbacks. What we have done is we have reduced in some cases separation between buildings, between parking lots. We've kind of ignored the lot lines when placing the parking. We have reduced the total number of parking spaces that would be needed as a result of the new Phase V development. And we inserted some provisions so that if parking does become a problem that we would be initiating procedures such as posting 108th Street, 116th Avenue as no parking, and they would be working with their employees and maybe working through some issues so that people can park on the other side without having to keep moving their cars and not run out of parking spaces. I guess in our experience over the last 15 years parking really has not been a problem except for a few choice days between Thanksgiving and Christmas. As they indicated previously, what seems to be happening is people are stringing out their shopping time for Christmas from October to sometime in January, and we're not seeing everyone trying to get their shopping done that two weeks before Christmas. So because of that we don't believe that there's going to be a problem with respect to parking. If a problem for some reason does develop we would be working with Prime and their management to resolve that issue.

I covered number 17 as well. Number 18, restaurant/retail outlots. Two separate outlots of approximately 3,500 square feet for restaurant and retail uses is allowed. Again, that doesn't sound like a lot of space, but they have identified for us that there may be a situation where a parcel might be created just for the building and cross-access easements and ownership of the land around the particular restaurant for parking and driveways and access may still be retained by Prime. So we wanted to give them that flexibility.

Number 19 there's no truck parking that's permitted on the site, no overnight and no long-term parking and no daily parking with product in the trucks.

Number 20 related to Plan Commission review authority of Site and Operational Plans. This warrants a little bit of explanation. Typically what happens is if any one specific building in the Village, commercial structure, manufacturing, institutional, if more than 50 percent of that building is being taken up by a new tenant or a new use, that would require that new use to come to the Plan Commission each time that that new use is being presented for a new permit. They're requesting that that provision be waived and that authority be vested in the staff. They have a

number of buildings out there now where they would get a major tenant, for example, I don't know what it might be, but one of the Phase V buildings if a large outlet store wanted to take 50 percent of it, they don't want to afford any time lost in going through a full public hearing process in order for them to replace a retail tenant with a retail tenant. At this time, the retail tenants turn over with some frequency out at the mall, and all of that review and processing of the permits goes through the Village staff. It does not go before the Plan Commission. It used to in the early days but it was just taking a great deal of time and a lot of the provisions were set forth so clearly in the zoning ordinance that it was just almost a rubber stamp procedure by the Plan Commission and it was just very time consuming for the petitioner and the Plan Commission to go through when tenants kept changing over. So they're requesting a similar approval for the staff to review those.

What it doesn't mean, though, that for the first time around with respect to site and operational plan whether it's the Lodge or the restaurants or the first time around for site and operational plan for the remaining buildings in Phase V and VI those all do need to come to the Plan Commission for approval.

The staff memo then just identifies subsequent development steps. The one item that I skipped over and warranted some additional discussion between the staff and the developer today was the center court building, the Lodge building, with respect to the height of the main structure as well as the height of the tower. The staff had some concerns with respect to how big that building might be, how big it would appear to the traveling public, how big it would feel on site, in that it was much taller than any other commercial buildings that we had in the Village.

So Kurt Meeske, who represents Prime, had indicated that their firm was putting together a model to help us visualize exactly where this Lodge would be located in proximity to Phases I through V, where it sat in relation to the adjacent roadways including the Interstate, and exactly what it would look like in perspective based on everything that was out there. And then they also had us get some information on area buildings and such like the Radisson and the Water Tower and how tall that those particular structures were.

After taking a look at all this information and what they had talked to us about today in presenting some things, the staff is more inclined to agree with the developer with respect to the height of the particular tower as well as the main Lodge structure. I know that their Attorney, Mike McTernan, is here in the audience and he'd like to address some of this as well. He can help put some things in perspective for you with respect to the distances to the adjacent roadways and what you visually are going to see. The staff felt that for the Lodge to be a center focal point for this entire unified development it has to be a little bit more visible and taller than the adjacent six buildings or whatever that surround the particular development. It is a focal point. It is in the center. We want people to know that this is where the food court is, this is where people should come for information. This is where you can communicate with management. This is a place where you can get a lot of information and it should be visible and it should be something that you should be able to find very easily.

We also added some provisions in the ordinance today that talks about the four faces of the tower as to some of the things that could be on those four faces whether it's a clock or a sign that identifies Prime or if it's the Lodge or it says Pleasant Prairie or something. But those details have yet to be refined and that will come to us when they bring forth the final site and operational plans. But we wanted to afford as much flexibility as possible in the ordinance so that they have

that flexibility to even massage and make some minor modifications with respect to the design of the structure.

You should have received a copy at one point, and I'm sure that they're going to show it to us, of what the Lodge was going to look like. Even some of the materials, at one point we talked about brick, and they're actually going to be doing the main materials for the tower and all the materials around the base of the structure with glass or with stone, and we're going to take care of some of those materials. But we feel that this is a very important part to this entire development, and they have made the strong commitments that this is going to happen the way it's being presented.

With that I'd like to turn it over, and this is still part of the public hearing, to Prime and maybe we can gather around down by the model.

Mike McTernan:

Hi, Attorney Mike McTernan, the Law Firm of O'Connor, DuMez, Alia and McTernan, 6633 Green Bay Road. As you know I represent Prime Retail. We, as you know, this is a huge focal point, a huge redevelopment of the site that we're planning on. As was indicated by staff, there's a tremendous amount of positive benefits that Prime Retail has to the community and to increase those levels of accouterments that we're offering to the Village in exchange for this PUD that's being drafted is this beautiful center court Lodge that will be the focal point of this development.

We're looking at this as how do we increase tourism into the Village of Pleasant Prairie? How do we increase development around into the Village? How do we make this an extension of the North Shore? How do we bring people that are in Illinois and drive them to Kenosha County to shop? How they come to the Village to Prime Retail and shop is not to make just a simple boring mall. Anyone can build a big ugly box. There's some of them in town. There's one up the road that isn't doing so well and we're not looking for that. We want something that stands out and has the architectural and the esthetics pleasing that drive this redevelopment of Prime Retail.

So all the benefits that we're providing, and Kurt Meeske is here and he's going to talk shortly, is where this PUD and where the framework is being set to say we know conceptually what you want to do. We know conceptually how you're going to make this all fit in and show us elevation, show us height so you can see visually where this comes up. And then Kurt is going to come up in a minute and show you, and it's important to see some sight lines. This product is very large. It's a tremendous piece of property. And by having the center court Lodge being the focal point in the middle, because it's so far away from the drives, it needs to have some size to it so it doesn't get lost. But I'm going to turn it over to Kurt Meeske who is going to walk through some of the process and the sight lines with you and give you some ideas on how this is going to function and give you a better three dimensional here and help explain where this is going and how we're moving forward, and this is just another piece to obviously come back and need approval for site and operationals for the architecture that we'll be doing, but this is the first framework or the next piece that we need in order to continue to move forward. So for this I turn it over to Kurt Meeske.

Kurt Meeske:

Kurt Meeske, Vice President of Prime Retail, 12111 120th Avenue. We're happy to be again before wrapping up probably the last major portion of our conceptual site and operational and, finally, the PUD language which gives us the final zoning component to take this project forward.

If you haven't had a chance to take a good close look at this model I encourage you to come down and do so. There are a few elements here that I would like to make sure I point out. For display purposes we took the license to exaggerate one of the elements of this and that is the height. This model is accurate horizontally, but we've inflated the vertical portion of it by 25 percent. So what you see here is a tower that's actually 100 feet. That's not what we're asking for, but when they tried to build the model at 75 in that area it was getting so small that you couldn't hardly see it.

It's a large facility. When we get fully developed with our Phase VI which is up on the wall and not represented on here, Phase VI will be over in this southern quadrant, we will have in excess of almost one and three quarter mile of exterior wall. This Lodge sets back approximately 1,000 feet from all of the roads. I understand the Village's ordinance of 40 foot height. If I was building a building right up along a public street, 40 feet is a rather ominous structure. But this 75 footer is set back about 1,000 feet. The Radisson sets right over here and is actually 86 feet in height, which is just about as high as that is. That component sets right over here and then the water tower is about 129 I believe.

These elements will be about 35 feet. Once again they're exaggerated slightly right now in the model. We also did an engineer's visibility corridor. What this represents in the yellow is all of the areas that you'll be able to see a portion or all of the tower. It pretty much limits the visibility to a section of 94. There is only sporadic opportunities along 165 to get a glimpse of it. Of course, the agricultural area back over here will get a better shot at it. But I was surprised at the limit of which a 75 foot tower would actually be seen. It's primarily to refocus the project with a center like Jean had indicated before. This is going to be the new focal point.

With our cut throughs by taking these portions of our existing buildings out we're going to refocus the traffic pattern on the property. Instead of customers having to exit, get on 108th or 120th and drive down to the next horseshoe and come back out and have to keep using the public street, you're going to find that once they get on property and they've experienced this facility that the flow is all going to go internal and we are probably going to end up with a net reduction of traffic and impact and car counts out on the major roads.

Don Hackbarth:

I brought this up last time in regard to the court. The thing that I didn't like about that thing was truck traffic. You know you always have your distribution of trucks to feed these stores. The problem is when you get to the food court there's no way to drop this off in the back. If there's any way to move this over a little bit and have truck access in the back that delivers stuff out of sight and out of mind behind the food court. How many vendors are in the food court?

Kurt Meeske:

We're currently planning on six. To answer your question, this is an actual truck size. We're going to create a loading dock on one side to be able to service both these tenants and this and take it internal. On this side we'll have the dumpster or trash compactor tucked back in this corner here, so that will be the vehicle that we use to support the facility.

Jim Bandura:

So the two buildings are going to be tied together?

Kurt Meeske:

The two buildings are going to be virtually--yes.

Jim Bandura:

It will be like a common corridor?

Kurt Meeske:

Yes. And due to the elevations in actuality this building site is four or five feet lower. In this one there will actually be two corridors out there, one at a lower elevation and one at an upper elevation to accomplish that.

Don Hackbarth:

I like the idea of the tower as high as you're saying it is. I think that's a neat feature. I like the idea also of clocks. I'll say this, you've got a central portion for this whole complex here, and actually what people are going to do is they're going to say, okay, you go that way, you go this way, I'm going to go look at tennis shoes and this and that and the other thing, and they'll say we'll meet you at the tower at five o'clock. That's a central feature to this whole design and I think it would be great to have clocks on there, because people are going to be saying, oh, I better get over there because dad wants me over there at five thirty or something. I think putting clocks on is a great feature. Are there going to be lights on there or anything?

Kurt Meeske:

The final design of the Lodge and the tower is not complete. Once we receive the approvals we're going to wrap that portion of it up. It will be lit in a tasteful manner, and we have addressed clocks. Staff has been very vocal in their encouragement. Insistence might be another term of clocks and we've agreed to it. From our standpoint we want to do what looks good.

Judy Juliana:

I'm a bit confused. How is the internal traffic flow going to be? I don't see any going right directly to the center. You have all this parking on each side. It's going to be more or less a pedestrian walkway to the center court?

Kurt Meeske:

Yes. You're going to have to park either in this zone, this zone or this zone and walk. It's going to be very pedestrian oriented in its layout. And that's part of what we're doing also out in front of it. We've got the Verizon facility which when you walk out there now and you see this little ten by fifteen foot building you say, oh, it's huge, but we're going to screen that facility and do other things around. I think when we're finally done it will pretty much disappear. But it's going to be primarily pedestrian oriented. We're going to take a lot of the restrooms that occur in this corner and that corner and incorporate them and upgrade them and it will be the central meeting or gathering point.

Jim Bandura:

The delivery area, how are you planning on screening the delivery area between the two buildings?

Kurt Meeske:

This representation is not actually accurate. The one up here is more accurate. We're aligning this delivery access more up with Radisson to give us that screen here. So you'll see a little portion of a back building here but you won't be able to see down between that major portion.

Don Hackbarth:

Just a thought, too, going to Gurnee Mills, and I'm not saying anything bad about this and I shop there, too, but when you go down there, their parking lots are so large, when you turn off the street into the parking lot sometimes it's like a freeway going kitty corner across the lot. I don't know if there is such a thing in parking lots or designs that could limit cars from coming in and shooting diagonally across. I don't know if there is such a thing.

Kurt Meeske:

It's a problem that you have in all large parking fields. We're going to over time continue to enhance our drive lanes with additional planting and curbing to prevent some of that. But I know exactly what you're talking about.

Don Hackbarth:

This buffer right here or whatever you want to call it kind of cuts down on a lot of that. It kind of knocks that off a little bit. But I know it's a tough problem.

Kurt Meeske:

Any other comments I can address or concerns.

Tom Terwall:

I was just going to ask the Plan Commissioners to return to their seats so we can move ahead with the public hearing if you would please.

Larry Zarletti:

Does this meet the 25 percent green space requirement?

Kurt Meeske:

Yes, it does. The question was does this meet the 25 percent green space requirement, and the ultimate full development including Phase V I believe is at 28 percent.

Tom Terwall:

Anybody else wishing to comment?

Abe Goldsmith:

I always forget where I park my car. I wonder if he's going to color code or number. My name is Abe Goldsmith and I live in Lake Forest. I'm with the Prairie Sun.

Kurt Meeske:

We will be redoing our current signage program and creating a new comprehensive signage program to communicate the new layout and route people through the property. In fact, that's an item for the Planning Board that we will be coming back for an amendment to our PUD #1 which addressed signage specifically on the existing Phases I through IV of Prime. And once we complete the design of the Lodge and the two new buildings we'll be coming in with an amendment to that to add some additional directionals. We have a couple new signage conditions that we don't have on the other phase that will be coming back sometime in the next two or three months.

Tom Terwall:

Thank you. Anybody else?

Don Hackbarth:

I don't know if I-94, and I've never been out there, but is that a problem with I-94, the turnoff there. Because when you get near Christmastime or Thanksgiving or whatever. That's a really neat design. When people come off from the south to the north and they want to shop here does it bog down the traffic on the Interstate, because it does down there. They're having problems with Great America. I've got a daughter-in-law that comes up that way, and she says sometimes on days you have trouble getting through traffic because of everybody turning off.

Kurt Meeske:

Due to the size of Pleasant Prairie's roads and the industrial park here and the number of entrances we have compared to our size, we haven't experienced any backup of any significance. The only real problem we have with the get off going north onto 165 is the confusion that people

John Braig:

. . . regarding to the Plan Commission review authority or relinquishing the Plan Commission authority I don't think I have a problem with that, but what I would like in the event that we do relinquish it is that the staff when they use that authority that is given to them give us a brief report or comment at some subsequent meeting.

The second item deals with Item 11 regarding fire suppression systems. This is according to an agreement as approved by the Board. What did the Board approve in regards to retrofitting the existing facilities with sprinklers?

Jean Werbie:

With respect to the fire suppression system, Prime will abandon the cisterns that are currently utilized in the existing facilities, fire suppression system and connect the system directly to municipal water on the date set forth herein. In the event that Prime commences construction, construction defined as the first date Prime begins the installation of foundations for the construction of expansion facilities on or before July 1, 2006, the fire system work will be completed no later than December 1, 2008.

Two, in the event Prime does not commence construction on or before July 1, 2006, the fire system work will be completed no later than December 1, 2007. Prime will provide written notice to the Village within 24 hours of the date it begins construction. Prior to the issuance of permits by the Village, Prime shall provide the Village a performance bond in the amount of \$250,000 and the right of entry and access to the center in the event Prime fails to complete the fire system work by the applicable deadlines set forth in the subsections.

John Braig:

Quite satisfactory.

Larry Zarletti:

Mr. Chairman, I'm prepared to make a motion. Before I do, I just want to quickly mention that today I attended a funeral in Libertyville, Illinois, and it's quite ironic that we would have this before us tonight about Prime Outlets, because at the table for the luncheon some people that didn't know us said, where are you from? We said, Kenosha. They didn't say Snap-on Tools, they didn't say Chrysler, they said shopping at Prime Outlets. So I thought that was pretty crazy that the first thing they think about when they think about coming to Kenosha is Prime Outlets. I think it's been a good thing for Pleasant Prairie, a good thing for Kenosha County overall. I think the expansion is going to be just another step in the right direction. Having said that, I'll move approval.

Wayne Koessl:

I'll second.

Tom Terwall:

A MOTION BY LARRY ZARLETTI AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AND ZONING TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Kurt Meeske:

Thank you, gentlemen. I want to compliment your staff. They worked very hard with us on this over the past four to five months. It was a challenge. As you see we had a lot of steps to do and they were very helpful. Thank you.

Don Hackbarth:

The design is great. That's what starts it off right. And the choice of vendors, too is a great marriage.

Tom Terwall:

I read this week that the Allen Bradley clock tower is the tallest clock tower in the world for four sided clocks. So if you have an opportunity to exceed that we would consider increasing the height. I'm not sure I know exactly how tall the Allen Bradley tower is.

Kurt Meeske:

I may take you up on that.

John Braig:

How tall was the Blatz Beer sign of 30 or 40 years ago? I think that was close to 300 feet tall.

B. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Section 420-78 K. (1), related to aggregate permitted background commercial advertising sign area.

Jean Werbie:

Mr. Chairman, on June 27, 2005, the Plan Commission adopted Plan Commission Resolution #05-07 to initiate a Zoning Text Amendment related to aggregate permitted background commercial advertising sign area. What that means is there's a certain amount of signage that is allowed per commercial use in addition to their ground or their monument sign. And we have certain limits per parcel within each of the business categories. And in this case we're looking at the total amount of square footage of signage.

The Village staff has re-evaluated Section 420-78 K (1) of the Village Zoning Ordinance, and this is for that commercial signage that is used for any business, manufacturing, institutional, park or recreational or agricultural purpose.

The Aggregate Permitted Background Commercial Advertising Sign Area is defined as follows: Again, our attorney helped us to define this.

“The total area of commercial advertising signs that is permitted to exist on a property used for any business, manufacturing, institutional, recreational or agricultural purpose or use, exclusive of primary monument signs (or related sign area allowances), secondary monument signs, freeway signs (or related sign area

allowances), other identification signs, drive-through customer information signs, on-site information signs, window signs (non-illuminated) or any temporary signs. (Note that pursuant to Section 420-78V of this chapter, freestanding signs are not permitted for background commercial advertising sign purposes.)”

The ordinance as it pertains to “Aggregate Permitted Background Commercial Advertising Sign Area” currently reads as follows: As you can see, what we’ve identified is building floor areas per square footage, and we broke it down into six different categories ranging from zero to just under 1,000 square feet in size area of the structure, to over 200,000 or more square feet in area. And then the sign area in square footage corresponds to the basic floor area requirements of the buildings.

The Village staff has determined that the existing Aggregate Permitted Background Commercial Advertising Sign Area allowances associated with the Building Floor Area and Sign Area categories were too broad and needed to be re-categorized. Specifically, with respect to some of the lower to middle square footage, because we’ve got a number of smaller buildings that are coming in such as restaurants and offices. There’s various types of uses that they’re small enough that they don’t have a great square footage. For example, they’re less than 10,000 square feet, but initially that 75 square feet of signage just isn’t much, especially if the structure is located on double or triple frontage roads. And because the ones that are coming in, whether they’re retail or service related such as restaurants, we’re finding that they want to have wall signage so that they’re visible at least on two sides. And by the time they get signage on one side they have almost nothing left for that other side of the building, much less a third side or a fourth side.

So my staff took a look at it, and what we determined is that the smaller categories we could broaden and give them some additional square footage, and our feeling was by the time you get up to the 100,000 or 200,000 or more, in most cases with respect to the Village those properties will not only be in a unified business development, but they’ll probably also have a PUD and we’ll have to write a specific regulation or ordinance to address situations like Prime Outlets or the Prairie Ridge development or some other large center, like Town Center or Village Green Center, there’s going to be various larger commercial projects that they’re going to be off the charts with respect to these numbers.

This is a matter for public hearing.

Tom Terwall:

Anybody wishing to speak on this matter? Anybody wishing to speak? Hearing none, I’ll close the public hearing and open it up to comments and questions.

John Braig:

Minor detail. Jean, you read what I think is a typo that on June 27, 2005 the Plan Commission adopted Resolution 05-07. That’s today’s date. Did we approve it at the last meeting, the 13th?

Jean Werbie:

She’s looking. June 13, 2005 the Plan Commission adopted the resolution.

Tom Terwall:

I have a question for Assemblyman Steinbrink. John, is this something we should even be fooling with, or is this something the Legislature is going to address? Do you think the Legislature is going to allow us to continue to set signage requirements? The Legislature is taking over all the other Village responsibilities, I just wondered if they want to tackle this one, too.

John Steinbrink:

They ran out of money

Don Hackbarth:

Move approval.

Larry Zarletti:

Second.

Tom Terwall:

MOVED BY DON HACKBARTH AND SECONDED BY LARRY ZARLETTI TO APPROVE THE ZONING TEXT AMENDMENT AS INDICATED. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

C. Consider the request of Daniel Johnson, owner, for Site and Operational Plan approval for a 7,621 square foot dental/medical/professional office building to be known as the Old Oaks Professional Building, generally located between 39th Avenue (CTH “EZ”) and Springbrook Road (CTH “ML”) and north of Gordy’s tavern.

Jean Werbie:

Mr. Chairman and members of the Commission, the petitioner is requesting approval of Site and Operational Plans for a 7,621 square foot dental/medical/professional office building, Phase 1, to be known as the Old Oaks Professional Building, generally located between 39th Avenue and

Springbrook Road and north of Gordy's tavern and further identified as Tax Parcel Number 92-4-122-243-0005.

BACKGROUND INFORMATION

On January 12, 2004, at the request of Daniel Johnson, the Village Plan Commission approved Resolution #04-01 to amend the Village Green Neighborhood Plan to change the designation of this property from Institutional-Woodland to Commercial. The Commercial designation conforms with the Village's Comprehensive Land Use Plan.

On September 20, 2004, the Village Board of Trustees conditionally-approved the Conceptual Plan for the construction of the proposed Old Oaks Professional Building and associated site improvements.

On October 4, 2004, the Board approved a Zoning Map Amendment to rezone this approximate 2.35 acre the Old Oaks Professional Building parcel from R-4, Urban Single-Family Residential District, to B-2, Community Business District. The B-2 District permits the proposed development of the Professional Building which will house dental/medical/professional office space and conforms with the Comprehensive Plan Map and the Neighborhood Plan.

GENERAL SITE INFORMATION

The wooded property is 103,141 square feet or 2.36 acres of land. It has 284.2 feet of frontage on 39th Avenue and 382 feet of frontage on Springbrook Road. The property is zoned B-2, Community Business District. The medical/office building is proposed to be developed in two phases. The building and development will also offer tenant space for future medical/professional office space users.

PHASE 1

The initial phase will be improved with a 7,621 square foot, fully sprinklered, 29 foot high office building, with the front of the building oriented towards 39th Avenue. Due to the elevation change on the site, the north and east building elevations will have an exposed lower level, while the building will have the appearance of a one story structure from the south and west elevations. The upper level or the first floor of the Phase 1 building will consist of the Dr. Johnson dental suite in the northern one-half and an unfinished tenant space will occupy the southern one-half of the upper level.

Building Information - The building will have Bavarian-style architecture. Exterior building materials will consist of brick, stucco-patterned cement board, cultured stone and asphalt shingles.

The lower level of Phase 1 will consist of 2,350 square feet of mechanical and dental storage area and 5,271 square feet of crawl space. The total building area of the Phase 1 building, the upper level or first floor and lower level not including the crawl space is 9,971 square feet.

Thirty-one conventional parking spaces and two handicapped accessible parking spaces will be provided with Phase 1. The 33 total parking spaces meets and exceeds the number of spaces required for this office use.

Pursuant to the owner's tree survey, this wooded lot contains 191 significant trees which are 8 inches or greater in diameter. With the development of Phase 1, 111 of the trees, or 58 percent, will be preserved. The development of Phase 1 will result in 76 percent of the property in green space, whereby 30 percent is required.

Site Access – As a part of the 2004 Conceptual Plan approval, Gary Sipsma from the Kenosha County Highway Department approved the proposed two driveway access points to the site from 39th Avenue and Springbrook Road. The development of Phase 1 will incorporate one 30 foot wide commercial driveway access 39th Avenue. The 39th Avenue access is intended to serve as the main entrance to the development. All Phase 1 construction vehicles will be required to use the 39th Avenue driveway.

PHASE 2

The 2004 conditionally-approved Conceptual Plan depicts a second phase for this development site. Additionally, the Site Grading and Erosion Control Plan submitted with this Site and Operational Plan application depicts a Proposed Future Expansion of the building and site improvements and the Project Size table on Plan Sheet A-1 lists future building square footage. The Project Size table on Plan Sheet A-1 notes that a potential Phase 2 would consist of an additional 5,500 square foot upper level and an additional 4,200 square feet of lower level, for a potential 9,700 square foot building addition.

Site Access – If and when Phase 2 develops, the second access, which is the Springbrook Road, commercial driveway access to this property will be required to be installed. If and when the Springbrook Road access is constructed; it shall be designed and located so it will align with the proposed driveway for the commercial property on the opposite side of Springbrook Road, which was referred to in the past as the First Banking Center property. Additionally, in order to locate the Springbrook Road driveway at the correct future location, a WE Energies power pole will need to be relocated at the property owner's expense. According to Mr. Sipsma, an acceleration/deceleration lane is required only for Springbrook Road entrance in conjunction with Phase 2 of this development.

Upon completion of Phase 2 of this development, the maneuvering lane through the development will be designed to take a somewhat circuitous route the property to deter cut-through traffic between 39th Avenue and Springbrook Road.

If and when Phase 2 of the development occurs, additional Village review of Site and Operational Plans, Conditional Use Permits if required, Erosion Control Permits, Building Permits, State of Wisconsin Commercial building permits and any other additional permits will be required at that time. All development phases are required to comply with all ordinances in affect at the time permits are obtained and at the time substantial construction has commenced.

Any tenant that proposes to use/occupy 50 percent or more of this office space will require Site and Operational Plan approval of the Village Plan Commission. Also, any tenant that requires a Conditional Use Permit will require that also from the Plan Commission.

Pursuant to the B-2 District regulations, the gross floor area of buildings in the District is limited to 25,000 square feet maximum. With his proposed development, Phase 1, which is just under 10,000 square feet, and a possible Phase 2, which is again just under 10,000 square feet, he clearly meets the minimum which is just over 19,000 square feet in site area.

This item is not a matter for public hearing, but the petitioner and owner is in the audience, and if you'd like to make a presentation or if you'd like to add anything, this would be an opportunity.

Daniel Johnson:

My name is Daniel Johnson. My address is 6728 49th Avenue, Kenosha, Wisconsin, 53142. A couple of questions come to mind. Maybe these questions should be dealt with by the Village Planning Board. I received this via fax on Friday afternoon which doesn't give me too much time to review, and also because of my working hours today I didn't have much chance to review with my architectural firm that I'm working with on this project.

A couple of things that come to mind. I purposely developed the property as such so that I could at a future point or some other person at a future point could develop the property to its full potential. We had soil borings, soil engineers look at the property, a reputable company out of Madsen Barber out of Racine looked at it and developed it. I'm just speaking to a couple of issues.

First off I'm hearing about Prime Outlets development, and if you have to go through the Phase 2 before the Planning Board meetings to get a Phase 2 person, pretty much are they going to wait for that to happen? Looking at my original history here in January of 2004 I started this before the Village Board. Anyways, what I'm trying to say is erosion control plan 100 year books showing everything, just trying to figure out if there's any way that Phase 2 and Phase 1 could be approved at this point in time. Maybe that could be easily answered, but I'd like it if Phase 1 could be approved. But it does cause a small developer a lot of, again, hoops to jump through in order to get the second. Let's say one of you goes home and one of you says, doc, why don't you go in with Dr. Johnson on this and I know you're going to need 20,000 square feet, not 20,000 feet but minus my space I know you're going to need about 10,000 square feet, and I'm going to say I could do that for you, Mr. Zarletti, but you've got to go through this whole planning process. Even though we went through it last night we have to go through it all again. So that's one thing that comes to mind.

The other thing that comes to mind is because it's so new I think about the new development costs that are proposed and passed, and I guess if I don't get building permits for foundations and whatnot, everything, by August 1st, this is approximately a million dollar project. That will raise the cost \$3,000 for this project. Now, I don't know if that's going to cost more development costs for the Village for you because I've gone this far, but I guess I'd like you to take that into consideration if this doesn't get through the State because of the 4th of July holidays, the Planning Commissioners at the State, I'm going to be faced with, bing, August 1st sorry Dr. Johnson you've got another \$3,000 bill here.

So through the process I guess I'm making you aware of these things because it's like the Supreme Court rules on certain laws of the land that goes through, but I'd like you to consider that on a small developer as such.

The other thing I'd like you to consider this is a blank check situation and we've come across this being a small developer. First I want to point out if you look at the census and the worker survey numbers, a growing above 50 percent of our population is going into small business or is employed by small business. My four full-time employees will vouch for that. Some of the people that I've had help me clear the land will vouch small business is what keeps them going.

Well, when I have to sign a document that says for the Assistant Planning Director it's \$55 an hour. For the Planning Director it's \$65 an hour. For the Administrative Secretary it's \$28 an hour. Granted all those people are worth that. I'm thinking in my head how much is this going for--to stand before you today it's a \$700 permit fee to get this, but I have absolutely no idea when the bill comes and even as of coming to this meeting tonight I don't know what the clock hours are they've used to review my plan, so therefore I'm standing here at the mercy of the court. How much is this going to cost? If there was a not to exceed three hours. To date I have architectural fees totaling \$57,485.80. That does not include the June clock hours at my architectural firm. I'm not saying this to whine but I want you to know what a small business developer is going to come up against when they try and develop a 2.3 acre piece of property on the land. I feel almost crushed by the process and willing to go through the 57 page sign ordinance to look for the for sale sign ordinance stipulation to find out.

There are people greater than I that have tried this process, and I believe their actions speak louder than words. I mean walk out that door and look over there there's no First Banking Center. They went through this. I was frightened by this that I saw video footage of what a conceptual drive through of this property would be. They went to the nth degree to make that happen. Dr. Steven Slana was the person, it's a matter of public record, was the person who purchased this property to develop it for an ophthalmology office. He's a greater man than I, I guess, in the income level and he wasn't able to follow through on this.

I've had this dream for 19 years. As a matter of fact 19 years ago I walked out of the University of Minnesota and I'm intimidated by the process. I ask you that some kind of guidelines be put on what the planning and/or administrative fees could be for this. When you come in with a \$700 check to get me to stand before you tonight I'm thinking, yes, \$700, but where's that going? I know this will be literally a cash cow for the Village of Pleasant Prairie. There's not a single kid in that building that's going to go to a Unified School District and incur that cost. Bull's Eye Boring R J Underground has estimated for me to bring a six inch pipe underneath 39th Avenue, because you can't open cut 39th Avenue will be approximately \$10,000 just to get that bored across to get water to that facility. It's like, wow, okay, I can see why, but it's like being an advocate for this.

The architectural firm, I didn't skimp on the architectural fees. You may look at me and think you should have shopped for an architect, but I really looked hard for an architect. This is an award winning architect in Marshfield, Wisconsin that has built dental and medical throughout the State of Wisconsin and has worked with many municipalities to have this happen to make this building come true and I know you'll be proud of it.

I point out a couple of things. The general planning and zoning comments. This is running a little bit through my head. For example, roof drains shall be connected--this is point 8 on their recommendations for the general planning. The roof drains shall be connected to the internal storm sewer system. It's on the plan. Of course they'll be connected to the storm sewer system that will go to the retention pond. They talk about the sign requirements for the Americans With Disabilities Act. This is page 1 of the plan proposal. It's like here's this sign detail of what that sign will look like. Here's the location of where those handicapped parking spaces will be, and I'm sitting there thinking, man, again am I going to get billed for them to write down each handicapped parking space shall be appropriately signed pursuant to ADA requirements. This is number 10 on the general planning and zoning comments.

I also want to make a comment that Tom Shircel and Jean Werbie have been very helpful through this process, but do you know how intimidated I am to ask a question thinking that when does the clock start? Or, is this covered under that \$700? I don't need anybody to hold my hand. I've got this architect to do a lot of this. So I'm in a funk today in trying to get this through.

I'm rambling here and I'm sorry. There's something about the wood on the property. Maybe some of you have driven by the property. It's only within a block of here. I have been brushing it out. There's a lot of buckthorn, box elder trees that are like--anyways they're undesirables to clear it out to show the old oaks that are there, the maples, the black walnuts and everything. On number two, upon issuance of the verbal certificate of occupancy there shall be no stockpiling of wood on this commercial property and there shall be no sale of wood from this commercial property. I do have some wood on that property, and I'm thinking I can't sell the wood that's neatly piled on that property so what do I do? I'm in the rambling stage and I'll stop there. I hope you will consider the approval of this piece of property. I will promise to make as per drawings and everything this to be the dream that I want it to be.

Tom Terwall:

I'm going to open it to the Commissioners in a second, but I'll respond to one of your questions, though. With respect to whether or not you have to pay impact fees, that's not something that the Plan Commission can even talk about.

Daniel Johnson:

Oh, I know, the environmental and State permit fees and environmental--

Tom Terwall:

No, but as far as you're talking about whether or not if you can get your permit by August 1st to not have to pay the Village imposed impact fees, that's an issue between you and the Village Board. That's not something that the Plan Commission is involved in at all.

Don Hackbarth:

Mr. Johnson, let me make you feel better. I sit on this Commission and last year we built about a 10,000 square feet to our school and no breaks for me either so I know the struggle that you went through, but it is definitely well worth it. It's a challenge. I lost a lot of hair and I got older real quick but it's worth it. Hang in there.

Judy Juliana:

This question is to Jean Werbie. Jean, just a comment. I notice that on the design we've been talking about the new Village Green and the architecture. All of this is in the development stage. How is this going to impact on this, and is this going to be considered part of the Village Green?

Jean Werbie:

As you know, we just began the Village Green planning process once again. And as Dr. Johnson was going through his project the staff had kept this in the back of our minds with respect to the project that he was presenting. I don't know that it will be similar or even compatible with the exact architecture that is come up with in the Village Green, but I think it's very desirable and it's a very nice design. So I think that it could fit in with whatever we happen to come up with the Village Center. With respect to the materials that he's using, some of the materials with respect to the first floor elevations and the type of the stone and brick that he's going to be using on his building, that will be directly compatible with the Village Center.

The only one issue that I have a comment on the staff recommendations I would like to see his sign a little bit lower, but he does have a considerable setback for his sign. When we develop all the zoning regulations for the Village Green and the Village Center, including this property which is going to be brought into it, we are going to be reducing the maximum height for signage, but we're going to allow it a lot closer to the road. So that's the drawback by him coming ahead of all the design guidelines being prepared for the Village Green. We're looking at bringing the buildings closer. We're looking at bringing the signage down, and we're looking at doing some different unique things. Again, he's ahead of the curve with respect to us doing the Village Center design guidelines and the new zoning that we're going to be writing for that through a planned development so he doesn't have that luxury. But from a perspective of the architecture and the design he's building I think it will be fine with respect to blending in with the Village downtown.

John Braig:

Is there anything we should be doing to ensure compatibility between the two projects?

Jean Werbie:

At this point what we have is the current Village ordinances that we're implementing for commercial projects in proximity to the Village Center, and those are the design guidelines that I have to use in order to review any project that comes forward. I think his is the last project at this point that's going to come forward before the Village Green.

The First Banking Center property which had presented some concepts a couple of years ago they chose to put their project on hold. They were the ones that decided that they did not want to move ahead in advance of the Village Green Center project, and they wanted to make sure there was enough of a commercial office need in this area before they invested the time and any further money into the project in this particular area. They did not ask for an extension. The reason why, just for clarification, that they did the video footage and they did the 3-D modeling was because of the fact that this was going to be a planned development that was working with the Village of Pleasant Prairie in the redesign of our parking lot, our main entrance, our driveways and how it was going to work from a grade perspective between the Village property and the First Banking Center project. It wasn't just because on a whim the staff wanted them to do something unique. We needed to make sure that all the Village Board members understood the impacts and the neighbors who were greatly concerned with commercial butting up to them how their property was going to relate to this commercial property. So it was a joint effort that they put that video 3-D modeling together for us so everyone around could endorse the project and understand how it was going to impact the adjacent roadways and neighbors. So it was something of great

value and, again, because the Village was going to be sharing services with them that it needed to happen so that we could understand the impacts.

Tom Terwall:

Jean with respect to when does the meter start running on the Doctor's project and does he have any costs incurred for staff time to date.

Jean Werbie:

Sure, Tom. With every project in this Village, as you know, the concern was made by the Village Board that the planning department needed to be fee driven by those that were using the staff's fees and the time that it took to develop a project regardless of the size. Bigger projects like Prime we've been working with them once or twice a week we've had meetings for the last year. So from that perspective it's very expensive because of the amount of time that's consumed on a particular project. Whether it's a small project or a big project we've been directed by the Board to keep track of our time.

There is an initial fee that is paid by any landowner in order to get that project started through the process, and that includes all the initial meetings that are held with the property owner or the developer prior to an application being filed. It includes notices and agendas and Plan Commission meetings. We pay the Plan Commission a very small stipend to be here but we pay for that and we pay for the agendas. There's a lot of copies. There's a lot of things that are done for a project to come to fruition and it's only fair that the person who is using those services pay to make that happen.

In addition with respect to the time that was spent in this last month for Tom, Peggy and I, it's a total of \$188 dollars. It's 2.2 hours between the three of us and Jan. So it's not excessive. We bill and track our time very carefully. We do not overbill. In fact, both my staff could probably tell you that I'm the one that probably underbills the most with respect to not tracking my time because I take phone calls and I meet with people at the counter and I don't probably track my time the way I should be tracking it in order to cover the costs for the new development.

I guess a couple other things that had been brought up with respect to impact fees. Again, it was something that the Village Board and the Village staff have been working on or actually talking about for three years, and the Board finally acted on June 20th. One of the Trustees had initiated a delay in these fees going into effect to August 1st even though we've been talking about them significantly for a long time that anyone who was in that development pipeline and they were very close to getting their building permit to give them some extra time over the next month and a half to get that building permit in prior to August 1st so they were not subject to these particular fees.

As you know, as new development occurs in the Village there's new services and additional services that are going to be needed for the new developments whether it's residential or commercial. So for that reason the impact fees were put into place. Again, they will not go into effect until August 1st. If he can get through the process, and that's why I mentioned it to him prior to this meeting, and I've mentioned it to Famous Dave's and Prime and just about everyone that we've been working with that August 1st is that magic date. If they can get plans in before that date then they will not be subject to the impact fees.

With respect to why can't this project be treated like Prime, well, for the basic reason that this is a unified business development that has worked through with the staff for almost the last year on putting together a planned unit development which allows some flexibility with respect to the project design, dimensions and elements of the zoning ordinance. Dr. Johnson's project is not a PUD. It doesn't come to that status. It's a single site with a single building, and so for that very reason if he had submitted the complete site and operational plans for Phases 1 and 2 we would have approved Phases 1 and 2. I can't bring something to you tonight, number one, that's not on the agenda and, number two, that we have not reviewed because I don't have the detailed plans for it.

In any event, site and operational plans are good for six months. And so if they're not acted on and a permit is not applied for and the conditions are not satisfied within that six month time period the approval goes away. This community does have strict ordinances, and they were put into effect by the Village Board and recommended by the Plan Commission because we want higher standards. We want good quality growth in development in the Village and we need to be very consistent from one development to the next as to how we review it, when we review it and how it goes through that process.

With respect to my staff I think we do a very thorough job. What I can tell you is when you get the staff comments, not necessarily are every single one of those comments a comment from the three of us. Sometimes they're fire department comments. Sometimes they're building inspector comments like some that Dr. Johnson read into the record tonight. Some are engineer comments. But I don't have the freedom to change those comments and to take them out. But in lieu of the department heads all being here and charging time, they give us their comments in writing. At this point if there's any comments in there that he questions whether or not they should be in there or not in there, I would have to go to the Building Inspector, the Fire Chief, the Police Chief, the Engineer or somebody to find out why they put those comments in there. We do put them in there because sometimes things are not clear on the plans. I'm not saying they're not clear on his, but we have run into situations where it's stated on the plans but it's not clear so we make sure it's reinforced because it's been a point of contention when a commercial property takes occupancy. I know we had a couple of issues with a couple of recent commercial projects so we just want to make sure that certain points that could cause problems are clear in the staff comments.

With respect to the pre-development agreement, again, the situation is the Board directed the staff to put something together so that the fees are being paid by the developers that are using them. As you know, sometimes it takes residential developments through a subdivision process two and three years of my time and my staff's time to go through that process. It's just meeting after meeting they stop, they change, they flip it, they change, they stop. They start again, they stop. They start in again and they stop. The approvals expire and we go back again. And so that process can continue on for a great deal of time, and it's kind of a waste of everyone's time unless I know it's going to start and finish but we never know that. Everyone has good intentions when they start, so we just need to start covering some of that time. If people realize that it does cost to go through the process maybe they'll think the project out more clearly before they move through the process.

With Dr. Johnson's process he was not as fortunate as some. He had to go all the way to the comprehensive plan and make changes there and we had to make changes in the neighborhood plan. Then he got to the conceptual plan. Now he's at the site and operational plan and he had rezoning. As you know, in some projects where a master plan had long been approved like in

Prairie Ridge, all those steps have been done. At one of the next meetings you're going to see a restaurant that's coming in and they didn't have to do any of those steps because that had all been done. But when you've got these stand alone commercial sites, until we've got all the detailed planning in place, you're going to incur additional costs and it's going to be much more of a process, and it's going to be much more of a difficult process especially if someone is going through it for the very first time.

Larry Zarletti:

Dr. Johnson just know that your comments have been totally understood. I could only try to imagine the frustration of trying to do a project like that and not being a big business kind of person, so I applaud your tenacity for doing that. I really don't see any reason why Phase 1 is not going to move on, and I do want you to know that as you come with Phase 2, and I hope that you will because it appears to be a beautiful project, and I think somewhere down the road you're going to be thankful that you did it. But if you come after you review what the staff is asking you to do with a reasonable explanation about why one of those points should be changed or altered or whatever, as long as it is not governed by the ordinance in the Village and it is not a State law and it is something we do have the power to do, I want you to know that at least for me personally and I believe others here might feel the same way, is that we do look at all these points.

The one that you talked about each handicapped parking place pursuant to ADA that would be out of our control. If tonight you have said number 22 and number 30 really bother me and those were things within our power to change and your request was reasonable, we might stand with you on that. Or, at least I'll speak for myself I would stand with you on that. So when this goes through and if a Phase 2 comes and you get a grocery list and a shopping list, you're not the only who gets them and everybody gets them. But I guess the point I'm making is they may not be etched in stone. They might be things we could work on or at least help you understand better.

Don Hackbarth:

. . . I don't know where you're at on this.

Daniel Johnson:

One of the most important sentences I said in my comments was I would hope you would approve this project tonight unanimously.

Don Hackbarth:

The line got blurry for me when you were making all these comments and you were going on. Have you read all the stuff and are you satisfied with the comments that have been placed here?

Daniel Johnson:

Yeah.

John Braig:

This process started in January of last year, so now a year and a half has gone by and there's not a shovel in the ground yet. Dr. Johnson implied that in part this was due to the requirements of the Village and the Village staff delaying this. In reality, I can recognize there's some delay, but has the Village contributed significantly to a year and a half going by and the project being at this point? Or, is it in fact other factors?

Tom Shircel:

I think the main portion of the delay from January of 2004 to now I think there was a delay on the Doctor's part on submitting these final site and operational plans for Phase 1 that we're reviewing tonight. There was a significant gap, and correct me if I'm wrong, Doctor, from when you actually submitted the plans that are being reviewed tonight since your last conceptual plan approval?

Daniel Johnson:

I think my architectural firm was being very close at reading all of the Village of Pleasant Prairie documents to make this come through even though they've worked with many municipalities in the State, and it took them much longer to work through this. So I guess that was probably more of our delay than your delay. But I think any one of the Village planners could speak to this and say that this is the most comprehensive or one of the more comprehensive detailed didn't have to teach this person or this architect what the Village ordinances were, what signage is. I don't know if they would say that, and I think that would be part of the delay that occurred is that they wanted to have it all there. I think they have it pretty darn close.

Tom Shircel:

So any time from the September 20, 2004 Village Board approval of the conceptual plan, at any time after that the applicant could have come forward with these plans that we're reviewing tonight.

Don Hackbarth:

I want to make a comment, too, about the handicap thing. It's not just because we're repeating anything or whatever, but you know the Village has to have it in writing so in the event something does go wrong they can say, no, here you're off and this has got to be done. Even though you've got it right on your plan you know that in your office and in your practice you've got to make sure that you're doing it right or something is going to come back and say my filling is in my ear or something. But it's in writing, very specific, so that not only are we covered but in the event there is something that an architect doesn't know that is in the Village ordinances or the way we want it done he or she is very clear that this is the way it's going to be. So here you've got handicap signs. And even though they're great and they follow all the rules, it still has to be in the document as an item to make sure that you're covered and we're covered. And if this all meets with your approval and everything, I would move approval of the project that we've got here tonight.

Larry Zarletti:

Second.

Tom Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECOND BY LARRY ZARLETTI TO APPROVE THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM.

Tom Shircel:

If I could add one more thing. I want to commend the Doctor. He mentioned his architect and how much he paid for their services, and I found this set of plans we're reviewing tonight to be very thorough. I think it's one of the best set of plans that I've ever reviewed. And I think his money was well spent with this architectural firm. Given the thoroughness and the completeness of the plans, I think the staff time for reviewing these plans was significantly reduced thus reducing the actual amount that you're paying on a monthly basis to the Village. So you can attribute that to your architect and your choice of architects.

Daniel Johnson:

Thank you for the compliment. I will pass that on. As a resident of Pleasant Prairie for 26 years, my parents lived in Pleasant Prairie since 1955, Pleasant Prairie was one of the areas I felt was a good choice to continue and invest in. For somebody who has read, I want to mention the name, Katie Nemetz and Dan Hellway, someone who has gone to the extent that they have in reviewing Pleasant Prairie ordinances and guidelines. There's a Village Green to be developed, and certainly there could be some encouragement from the Village somehow to encourage them to submit a development plan for the Village Green area. I have talked with a few of the other people that have developed in the area and they've decided not to or whatever because you have a very high standard and I appreciate that high standard, because I have very high standards on myself as well. I guess I just want to say when you work with an architectural firm from another area that could develop in your area, man, treat them well, because I want that Village Green to succeed 1,000 times or incredibly so.

Tom Terwall:

I'm going to call the question. There's a motion and a second. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Daniel Johnson:

Thank you very much. I appreciate it.

D. Consider the request of J. Michael McTernan of O'Connor, DuMez, Alia and McTernan S.C. agent for Timothy Christensen and Thomas Cummings for the annexation of the properties located at 12207 Wilmot Road and 12125 Wilmot Road into the Village of Pleasant Prairie from the Town of Bristol.

Jean Werbie:

Mr. Chairman and members of the Commission, the Village of Pleasant Prairie has received a petition for annexation of 1.07 acres of the located at 12207 Wilmot Road and 12125 Wilmot Road in the Town of Bristol. The properties are identified as Tax Parcel Numbers 35-4-121-134-0124 owned by Timothy C Christensen and 35-4-121-134-0120 owned by Thomas F. Cummings.

This 1.07 acre of land is located within territory that has been identified in the Settlement and Cooperative Agreement between the Village of Pleasant Prairie and the Town of Bristol as the Village Growth Area. In the Settlement and Cooperative Agreement, the Town of Bristol has agreed to not approve or promote any growth or development within the area unless the territory is annexed into the Village of Pleasant Prairie. These parcels are located in the Village Growth Area and completes the outer most limits of the Village Growth Area along the northern boundary along County Trunk Highway C.

According to the Kenosha County Planning Department, both properties to be annexed into the Village are zoned A-2, General Agricultural District.

Pursuant to Section 66.0217 (8) of the Wisconsin State Statutes, the Village can annex the land with a Temporary Zoning Classification. The temporary zoning classifications are as follows:

- Both parcels will be zoned into the C-1, Lowland Resource Conservancy District.
- Tax Parcel 35-4-121-134-0120 is located entirely within the FPO, Floodplain Overlay District, in the southern portion of the property pursuant to the Des Plaines River Watershed Study of the Floodplain/Floodways Study prepared by SEWRPC.
- The majority of Tax Parcel Number 35-4-121-134-0124 is located also within the within the FPO, Floodplain Overlay District, according to the Des Plaines study.

At a future date the Village will hold the required public hearing to re-zone the properties in accordance with these proposed Temporary Zoning Classifications.

This property is not located within Tax Increment Finance District #2 but is surrounded on the east, south and west by properties located in TID #2.

The Department of Administration has reviewed the annexation request and found that the annexation is in the public interest. The attached letter dated June 13, 2005 will attest to this.

The Village staff recommends that the annexation petition be approved as presented with the Temporary Zoning Classification and further that the Village boundaries be adjusted as approved by the Wisconsin Department of Administration.

There is a representative here for the petition is you do have any questions.

Don Hackbarth:

Move approval.

Wayne Koessler:

Second.

Tom Terwall:

I have a question. Are either of these parcels developable?

Jean Werbie:

No. They have existing homes on them at this time, but they're both located within the floodplain, so as such the Village Zoning Ordinance does not allow development to be located within the floodplain.

Tom Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. SUCH OTHER MATTERS AS AUTHORIZED BY LAW.

John Braig:

Just a comment. There was a letter to the editor or a letter in the *Kenosha News* either yesterday or recently. The individual was complaining about the pool addition at the RecPlex because not everyone could use it. His recommendation if I recall was that the money would be better spent on schools. Just for the record, I've been paying for many decades taxes in this community. I think I've paid a good hunk of two high schools, at least two junior high schools, and I don't know how many elementary schools and I don't use any of them. That's just the way life is, and I think we're going to have this problem all the time, but the general public and the greater portion of the population definitely benefits from what the Board approved regarding the RecPlex, and I think the public should be appreciative of it.

Don Hackbarth:

I have a couple things. Can you tell me when 104th is going to be done? It seems like they are just dragging and dragging and dragging.

Jean Werbie:

Actually it's moving along quite well. That's what I was told by the developer on Friday. And my understanding is that they wanted to have it completed and open prior to the Danskin Triathlon, and that is a week from this weekend. The whole project was supposed to take under 30 days to complete, and I would say within a week or so the project should be complete. If you want something more definitive, Don, I'll check with our Village Engineer and get back to you.

Don Hackbarth:

The other thing is I don't know what happened last week, I wasn't here for the last meeting we had. Our water went off at the church.

Tom Terwall:

I talked to Mike about your displeasure, and he said the reason nobody was notified was because the water was not supposed to be shut off. There are two mains that go past your property. They were going to shut one main off, but the other main was more than adequate to handle that. Well, unbeknownst to everybody, the other main was already shut off and they didn't know that. So when they went to shut off the one that they wanted to shut off, they cut off the supply of water completely, and it took them about two and a half hours to figure out why, because there should have been water flowing through that other pipe.

Don Hackbarth:

We had 60 kids in that building starting out

Tom Terwall:

I made Mike aware of that, and he said the reason we didn't notify anybody is because there was not supposed to be any disruption in service.

Don Hackbarth:

I was unable to go to the meeting. I wanted to go to the meeting on the Village Green. Again, I would like to voice a comment on this. I really would love to see some kind of cultural attraction like an opera or something to set this community off. I would love to see an opera house there or some cultural amenity in there.

Jean Werbie:

The next meeting of the Village Green Center Technical Advisory Committee is August 4th at six o'clock. It's a Thursday night.

Don Hackbarth:

Is that an open comment meeting?

Jean Werbie:

We don't necessarily have open comments, and we're limiting the meetings to two hours, and at the last meeting we had enough time so they welcomed comments from those that were in the audience.

Don Hackbarth:

The other thing is, and I don't know if I talked to you about this, but the tracks on 31 are getting pretty nasty on H. Cars are bottoming out on that thing. And what's happening now is what people are doing is they're actually slowing down on H just north of 104th, the tracks by Lawter. They're bottoming out.

Jean Werbie:

They are in the process of replacing and upgrading all of the tracks on the UP line, and I'm sure that the CP will be following. And they've already done the Bain Station Road tracks. They're working on the 95th and H, that should be done, then they're going to be working on the other ones, wherever the UP crosses.

Don Hackbarth:

Has 31 also been looked at?

Jean Werbie:

That's a different line. That's all federal. That's outside of our control.

8. ADJOURN.

John Braig:

Move adjournment.

Larry Zarletti:

Second.

Tom Terwall:

All in favor say aye.

Voices:

Aye.