

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
July 11, 2005**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on July 11, 2005. Those in attendance were Thomas Terwall; Michael Serpe, Larry Zarletti; Donald Hackbarth; Wayne Koessl; Jim Bandura; John Braig and Judy Juliana. Eric Olson was absent Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie-Community Development Director, Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

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

Tom Terwall:

If you're here this evening for the public hearings, we would ask that you please hold your comments until the public hearing is held so we can incorporate your comments as a part of the public record. However, if you're here for Item C, or if you're here to discuss an item not on the agenda, now would be your opportunity to do so. We would ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

- 5. OLD BUSINESS**
  - A. TABLED PUBLIC HEARING AND CONSIDERATION OF A FLOODPLAIN BOUNDARY ADJUSTMENT: The request of Richard Oscarson of JMC Investments, LLC, the property owner, for a Floodplain Boundary Adjustment to remove 470 cubic yards of floodplain and to create 473 cubic yards of floodplain adjacent to the existing floodplain to compensate for the floodplain proposed to be filled on the property generally located at the 8700 Block of Old Green Bay Road and known as a portion of Tax Parcel Number 92-4-122-152-0169.**

Jean Werbie:

During the May 23, 2005 Plan Commission public hearing, several residents spoke in opposition to this proposed Floodplain Boundary Adjustment. Reasons for the neighbor's opposition included the proximity of the adjustment to neighboring properties and the historical issues related to flooding in this area related to the Jerome Creek. On June 29, 2005, the Village staff, applicant and the concerned neighbors had a meeting at the Village Hall whereby the immediate issues pertaining to this proposed Floodplain Boundary Adjustment were resolved. Mr. Oscarson has agreed to increase the separation distance from the proposed newly created floodplain area to

the Knuuti dwelling, which is located to the immediate south of the created 100 year floodplain area. The increased separation distance will equal the existing distance between the Knuuti dwelling and the 100 year floodplain, which currently exists and encroaches on the rear portion of the Knuuti property. Therefore, this Floodplain Boundary Adjustment issue is back on tonight's Plan Commission agenda. Re-notification letters were sent to adjacent property owners via regular mail on June 30, 2005 and notices were published in the *Kenosha News* on June 27 and July 4, 2005.

The petitioner is requesting approval of a Floodplain Boundary Adjustment to prepare the site for the future development of a duplex on the property generally located at the 8700 block of Old Green Bay Road and known as a portion of Tax Parcel Number 92-4-122-152-0169. In order to prepare the site for the future duplex lot, the petitioner is requesting to amend the location of the 100-year floodplain boundary as delineated and shown on the Des Plaines River Watershed Floodplain Maps prepared by the SEWRPC Report No. 44. entitled "A Comprehensive Plan for the Des Plaines River Watershed." This was for U.S. Public Land Survey Section 15, Township 1 North, Range 22 East, Village of Pleasant Prairie.

The petitioner is requesting to remove 470 cubic yards of floodplain and to create 473 cubic yards of floodplain adjacent to the existing floodplain to compensate for the floodplain proposed to be filled on the property. Again, this is all being done for him to construct one duplex on the property.

Mr. Chairman, with us tonight we have our Village Engineer, Bob Martin. Bob sat with myself, Tom Shircel and with the residents and the petitioner a couple of weeks ago to go over a number of these matters with them and to help everyone understand specifically what the petitioner was going to be requesting as well as the impact of what the petitioner was doing on their adjacent properties. We did discover that there are some larger bigger issues that aren't really related to Mr. Oscarson's property but really address some larger issues of flooding in that particular area. With us tonight is Bob Martin and he's going to go over a couple of other issues with respect to floodplain boundary adjustments, and hopefully we'll be able to clarify some issues for the residents and for the Commission.

Tom Terwall:

Specifically one of things we'd like you to address and the reason that I asked you to be here tonight is if you can cover for us whether the proposed modification is going to improve the situation, exacerbate the situation or have no impact at all on the situation. That would be very helpful for the Plan Commission.

Bob Martin:

I'm going to go through an example showing what a floodplain is, floodway, fringe. Some of those terms get intermingled in conversation so I'm going to go over some of that to give everyone a background. It's essentially what we had met with the neighbors and talked about and some of the details of that.

Just to add to what Jean had mentioned, we're trying to set up a meeting with the DNR so we can talk to them about things like cleaning the ditch, for example. That was one of the items that came up during our conversation with the neighbors. Gary Sullivan has met with at least one or so people out there about some of the other issues they had closer to 85<sup>th</sup> Street. Those came out

of the conversation but they're not really related to the issue in the sense that this doesn't have an impact.

The first shows what a 100 year floodplain looks like, and you'll notice there just a floodplain, floodway, flood fringe, and you'll notice that the natural 100 year flood elevation is at that level right there. So the floodplain encompasses both the floodway and the flood fringe, and the floodway is generally speaking, I'm going to read the definition that comes out of our code. But basically what it is is the moving water in the channel primarily. And the fringe is more associated with standing water but it doesn't normally have a velocity like it would in a channel. You can see by this picture where the deeper part of the channel is the floodway.

And by definition floodway is the channel of a river or stream, and those portions of the floodway adjoining the channel required to carry the regional flood discharge. And the regional flood is the 100 year reoccurrence interval flood on a particular stream, river or lake in question, and they're at intervals that you can see on flood maps. Peggy, if you could do that. What is done with the hydraulics and the hydrology is records are kept of the stream. So we have a discharge that's normally in cubic feet per second, and you'll notice that we have a reoccurrence that is in probability and in years. So you can see for a two year reoccurrence if we come down there and over that particular thing would be around 900 cfs. So when the floodplains and the floodways are designated, this information is available so that they can determine the discharge at a particular location, and we look at a 100 year which is out here and you'll see that one is designated I believe at 2,800 cubic feet per second. So that one chance in 100 per year of occurring.

These are probabilities so it doesn't mean it can't happen three weeks in a row or three months in a row or three years in a row. They're all just the probability of them not happening by the records that are kept for any given stream or lake or whatever they're studying. So that's the one chance in 100 reoccurring people will see continuous flooding because we get into wet regimes and it seems that it feeds on itself. We're in a dry regime right now and it's very dry. So that's where that elevation comes from.

In particular, this is the area that we're talking about. This is Green Bay Road, 85<sup>th</sup>, and this is the crossing and this is the property right there. So the area shown in yellow is the fringe, so that's that shallower area, and that in blue is along the channel and you can see that and that's the floodway.

When we look at the area in question you can see that's what's going to be filled and this is what's going to be removed in comparison to the entire area that's mapped. So that's one thing we do look at. And what's normally associated with these, if you'll go to the next one, Peggy, this is a blowup here. We have the floodway and outside of that the floodplain, and this is the area that's going to be added to fill and this is the adjacent area that would be a cut. So it compensates. Whatever you fill in one area you have to at least compensate in a removal area. So the net effect is zero.

Tom Terwall:

Both the area and volume, is that correct?

Bob Martin:

Only in volume. Sometimes it gets very difficult working with the areas because it just is. You have deeper cuts and so on so it gets a little more complicated. So to try to match both is a little more for us to do. What is shown on the maps that we look at when we try to distinguish what the elevations are in a certain floodplain or location is marked by these cross-sections. You'll see down here this RM 2.742 is the river miles, so that's how far upstream it is from the point it's measured from, and the elevation is 681.86. So that means that that particular cross-section the rule is you cannot increase any flood more than 100<sup>th</sup> of a foot which is zero for all practical purposes. You can't measure it but that's the rule. So when the computations are done and they have to be approved by DNR and by the FEMA representative, which are typically contractor for FEMA, they'll look at these and they'll say as long as that stage has not increased by more than 100<sup>th</sup>, again it can't even approach that, you can't calculate it probably that closely, that's what they look at. So there's no net effect, there cannot be a net effect at any given cross-section either upstream or downstream or at that cross-section. So the short answer is there's no impact when you do compensatory cut and fill.

Tom Terwall:

Thank you. This is a matter for public hearing. Is there anybody in the audience that wishes to speak on this issue?

Richard Oscarson:

Richard Oscarson, 8961 Old Green Bay Road, Pleasant Prairie, owner and contractor for this project in front of you. A citizen's question came up the first time this project came before you back in May, and the question was who says this grading plan design will work? The answer to this question is Rich Wagner and his team at Jenkins Survey & Design, Dave Meyer, the owner of Wetland and Waterway Consulting, Heidi Hopkins and Peter Wood with the DNR, along with all the staff and the planning and engineering departments here at the Village. I believe you'll agree it's quite an assembly of talent, education and experience in their respective areas.

Just to give you an idea, there is currently over 200 hours of professional time which has gone into this, but even on top of all of that this still has to go to FEMA prior to any work being done. After it is done, another 100 hours of professional time will have to go into it, and it has to go back to FEMA to prove that it was done correctly. I'd like you to keep in mind that this is not low and swampy ground which is being filled multiple feet. It is high ground relative to its immediate surroundings and currently averages around five feet above the adjacent ordinary high water mark of Jerome Creek. Flood waters would be going over the top of Old Green Bay Road by the culvert area before any water entered this home if it was built on the lot as it sits today.

I brought a little illustration for you just to see. This is the lot we're proposing to create. This cross-section is approximately where a home might sit there. You'll see this lower area is currently out of the floodplain. It's above the floodplain right now. In this corner of the house I need six inches of fill to clear the floodplain. In this corner I need nine inches. Now, anybody that buys a home or builds a home it's only normal to say I'd like my whole lot out of the floodplain. I don't want the corners in the floodplain either, so I need roughly 17 inches in this back corner and 26 inches in this front corner to get this lot up to grade. So roughly in that building pad area we only need an average of five inches of fill on slightly over half the building pad to clear the floodplain and be compliant with the newest watershed study.

Prior to this new study that we're complying with, this proposed lot was well above the floodplain line believed to be correct at that time and I wouldn't even be here. But the new study says we've got a problem there so I am here. The Village always intended for that to be a buildable lot. Right here the sewer lateral is already there. It was put in back in approximately in 1987 when the sewer went up that road.

I agree and we all recognize that a few properties within the Jerome Creek watershed have some storm water problems due to their being developed in historically flood prone areas prior to the rules and regulations we face today. The properties which are having problems would not even be allowed to be built today. I can assure you this project will not contribute anything to their problems but, in fact, will take one very small step toward solving them. As designed, after the soil exchange, we will have 161,000 gallons more flood storage capacity than we have today. You don't see that because you're seeing roughly the 445 versus the 471. But in the 471 of the created area, in order to get that area to properly drain, there's another 900 yards that have to be removed, so that land will slope back and maintain its natural drainage direction. 161,000 gallons is roughly the hard surface runoff from 22 typical home sites during a three inch rain event.

You will recall at the May meeting Creekside Crossing was also on the agenda. Will you please outline where that is? Most of you are probably familiar with the fact that the Jerome Creek and that creek join, which that is actually listed I believe as a tributary of the Jerome Creek, and they join just west of 31. When you reviewed the Creekside you may have noticed that there was by area roughly a 25 percent reduction in surface area of the floodplain, but in reality there is roughly a 20 percent increase in storage volume. As a neighbor to the Creekside project, I did kind of question that in my head. I did review the engineering. I talked to the engineer, and after all that I believe and I trusted the engineers and believe, especially now that I've gone through the whole process, I don't see how there possibly could be a mistake.

Creekside by comparison was roughly 90 times the size of the project. I hope that when you compare the size of that project and all the work that went into that that you'll give a favorable review to my little project. Just to give you a perspective, in relationship to that entire floodplain this project is the equivalent to going out to Lake Andrea, going to the shoreline, if you pluck a rock out of that shoreline you can't measure it but the water went down. So you take the rock out of here, the water goes down. Put the rock back in 100 feet away and the lake comes back up. No net effect. Once again, my name is Rich and I'm here to answer any questions you might have.

Tom Terwall:

Thank you. Anybody else wishing to speak on this matter?

Mike Knuuti:

Hello, I'm Mike Knuuti from 8753 Old Green Bay Road. We're talking about land structure change. Just go back about ten years ago when the Ziccarellis built their house on 85<sup>th</sup> Street over there. You guys wouldn't let her change her land to bring it up to grade or anything like that and change any of her land structure. You're going to let this guy change it and I don't know. I'm not a professional surveyor but I do shoot grades for a living, I work construction, and the house that's sitting next to me I figure is already about eight inches higher out of the ground. After he fills it all in with dirt it's going to be about eight inches higher than my yard. I just wonder if that's going to happen to the next lot and the next lot because I shot them out. The next lot from

my house is 20 inches below my yard right now, and I figure the one next to it should be about half way, about ten inches, but actually once you grade it in it's going to be about even with my house or higher. I'm just wondering if we're going to have a little pond going between my property and their property, because the lifted up the land there. That's it, thank you.

Tom Terwall:

Thank you. Anybody else? If not, I'm going to open it up to questions from the Commission and staff. Before I do that, though, Jean, can you speak to setting the elevation for this house? What's the procedure by which the elevation for that house would be set?

Jean Werbie:

Typically when a top of foundation is set the first thing that is done is the height of the center line or the center crown of the road elevation is evaluated to determine that the new home that's under construction has positive drainage towards the ditch line and towards that center part of the road or towards the road. So typically a home top of foundation is set two feet above the center crown of the road. In addition, we do look at property elevations on either side, but we don't typically go to the lower of the two. We try to stay with the same elevation and do a comparison to the top of the crown of the road in order to get that positive drainage.

Tom Terwall:

So we tell the builder what his top of foundation height is going to be, and then that's checked to make sure he adheres to that?

Jean Werbie:

That's correct. There's a survey that needs to be performed initially when they stake out the property, and then when the top of foundation is poured we have another survey that has to be done that measures where that top of foundation elevation is as well as setback elevations before they can proceed with framing of the house.

Wayne Koessl:

Through the Chair to Mr. Knuuti, we table this for the staff and the neighbors and the developer to get together. Did you attend the meetings?

Mike Knuuti:

My wife did. I missed that.

John Braig:

Question to Mr. Oscarson. Do you plan a basement in your building as you're going to build on this site?

Richard Oscarson:

The first two lots were sold to a developer out of Union Grove, and he has expressed an interest in the third. He has basements in the first two, and I have no reason to believe he won't put one in the third.

John Braig:

I'm a little concerned about the flooding problem even though you're bringing the land up above the floodplain level. It will be loose soil, and if we do have an extremely wet flooding period, I can see water migration to your foundation and, of course, down through the backfill to hopefully what will be some tiles that you've got around the place. But if it's extreme and if the rinky dink utility loses power you've got a problem.

Larry Zarletti:

Are you prepared to take care of the 18 conditions and comments from the Village staff? Have you taken a look at those and do you believe you can comply with all those?

Richard Oscarson:

That won't be a problem. First, if I don't comply I'll never see a permit, so I don't see that as a problem at all. I would like to answer the question posed about the grading. There already is three, which have been there I forget how long but I'll just say six years or so, the three duplexes that are north of the creek across from the Prange Center. Every one of those top foundations is at 385.17. All three of these foundations are proposed to be and required to be set also at the 685.17. So all six foundations across here are all going to be exactly the same.

My engineer did check the top of foundation as best he could on the neighbor dwelling, and he says he tells me confidently that there is three inches difference between this home and these six for the top of foundation. This is a brick home. Whenever you look at a brick home because your brick ledge is set down at dirt grade, and the brick actually goes several feet below first floor elevation, it gives that illusion of being set so much lower in the ground. But the reality is these six would all be exactly the same level and this neighbor dwelling is three inches lower.

Mike Serpe:

Just a couple of questions, Bob. I'm going to hit on you a little bit. If this were a normal spring and summer with normal rainfalls that area would be somewhat wet, am I correct in saying that, the area we're talking about?

Bob Martin:

That's true.

Mike Serpe:

Right now it's dry. And my question to you is if we were to do nothing with Mr. Oscarson that would be wet, that area would be wet, if it were a normal spring and normal summer. By granting him a building permit or by allowing this to take place, the floodplain adjustment, and we get back to a normal spring, he is not going to cause more problems to the neighbors than what's presently there right now, is that correct?

Bob Martin:

That's correct.

Mike Serpe:

And that's what we have to understand that there's not going to be anymore problems caused by allowing this to take place, so I don't want to see the neighbors come back and say I still have water. We're not saying we're getting rid of the water in that area. That's not going to happen. What we're saying is allowing him to do what he's doing will not create more problems for the neighbors that are there. That's what we have to guard against that it doesn't happen. And I think with the professional engineer that we have on staff and everybody else I don't think that's going to be a fear that everybody in the neighborhood is going to be flooded out because of what Mr. Oscarson is going to do. If that's the case, I'm satisfied that by allowing this we'll be okay.

Don Hackbarth:

I'm not really opposed to the floodplain adjustment because volume is volume. Water can only fill one area, so if you're taking it out of one area or putting it in one area and creating it in another all it means is the water is not going to go here but it's going to go over here off the property, so I don't have a problem with the adjustment.

My question is the existing adjacent home, and I don't mean the new ones, I mean the ones down the line like the gentleman that's in the back, what is the height of the foundation of your proposed home versus theirs? Are they lower than you are? Is their grade lower?

Richard Oscarson:

Three inches.

Don Hackbarth:

That was the three inches you were talking about.

Richard Oscarson:

Yes, my engineer tells me that the top of foundation on the adjacent home is three inches lower than the top of foundation on these six duplexes.

Don Hackbarth:

Water is going to shed where it wants to go, and it's going to go from a higher to a lower. My concern is that that property is graded so it's not going to go three inches lower onto his property over to the floodplain. What I'm saying is whoever grades that property, and I'm comfortable with the homes being there, make dog gone sure that that thing is graded so it goes into the floodplain and not onto the neighbor's property.

Richard Oscarson:

Before occupancy, and staff can correct me if I'm wrong, but before any occupancies are granted an as built survey has to be produced which proves that there is not a direct impact onto the neighbors. The water has to go in this case it will be split probably half to the front ditch line and half to the rear yard. Occupancy is not granted if that's not done.

Don Hackbarth:

If that's done I'm comfortable. We just don't want to have anything going downstream there.

Wayne Koessl:

Mr. Chairman, if the Commissioners don't have any other comments or questions, I would move that we recommend this in a favorable report to the Village Board to approve the floodplain boundary adjustment subject to the conditions of the July 11<sup>th</sup> memorandum.

Mike Serpe:

Second.

Tom Terwall:

**MOTION BY WAYNE KOESSL AND A SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE FLOODPLAIN BOUNDARY ADJUSTMENT 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. Thanks, Bob.

## **6. NEW BUSINESS**

**B. PUBLIC HEARING AND CONSIDERATION OF A MASTER CONCEPTUAL PLAN for the request of VK Development Corporation, property owner, for the Prairie Ridge commercial area located north of Prairie Ridge Boulevard, south of 75<sup>th</sup> Street (STH 50), east of 104<sup>th</sup> Avenue and west of the St. Catherine's Hospital site.**

Jean Werbie:

Mr. Chairman and members of the Commission, the petitioner is requesting approval of a Master Conceptual Plan for the Prairie Ridge commercial area located north of Prairie Ridge Boulevard, south of 75<sup>th</sup> Street, east of 104<sup>th</sup> Avenue and west of St. Catherine's Hospital.

## Background Information

The entire 400+ acre Prairie Ridge mixed use residential, institutional and commercial development is generally located south of 75<sup>th</sup> Street between County Highway and local Village arterial. More specifically, the commercial areas of the Prairie Ridge mixed use development are generally located north of Prairie Ridge Boulevard with an additional commercial area generally located north of Wilmot Road, east of 94<sup>th</sup> Avenue and west of 88<sup>th</sup> Avenue.

To date, several commercial and institutional use developments have been constructed within these areas of the Prairie Ridge development. Specifically, the commercial use developments include Prairie Ridge Marketplace, which is on the east end of the development site; M & I Bank and a Hawthorn Suites Hotel, which are also on the east end of the site. The existing institutional developments include St. Anne Catholic Church, which is just south of Prairie Ridge Boulevard; Extended Love Daycare Center, which is just to the west of St. Anne; Pleasant Prairie Elementary School and Park, which is just to the south of Extended Love; St. Catherine's Hospital, which is north of Prairie Ridge Boulevard and west of 91<sup>st</sup> Avenue; Grande Prairie Nursing Home and Hospice Alliance, which are just east of 104<sup>th</sup> Avenue and north of Prairie Ridge Boulevard.

On March 2, 1998 the Village Board approved Resolution #98-14 for the Final Plat of the Prairie Ridge Development. So we've been working on this particular project for just over seven years with respect to since it's been final platted.

May 10, 2004 the Plan Commission approved Resolution #04-07 to adopt the Prairie Ridge Neighborhood Plan. The Plan depicts this Master Conceptual Plan area as appropriate for the commercial development, which is consistent with the Village's Comprehensive Plan for this particular area.

As shown on the Master Conceptual Plan on the slide, as well as in your packets and on the Board across the way on the easel, the Master Conceptual plan is located north of Prairie Ridge Boulevard. This entire area is approximate 72.5 acres. Approximately 58.5 acres in this Plan area are owned by the petitioner, VK Development Corporation. The Plan is comprised of the following six Tax Parcel Numbers:

91-4-122-082-0005 is 0.56 acre parcel improved with a 1,120 square foot, brick, ranch-style dwelling. This is currently owned by VK Development. He's currently renting it out. At some point this structure is going to be razed or removed from the property as this will be a commercial area.

91-4-122-082-0120 is a 4.16 acre vacant, undeveloped parcel owned by VK Development.

91-4-122-082-0131 is a 13.09 acre vacant, undeveloped parcel owned by VK Development.

91-4-122-082-0133 is a 1.55 acre parcel improved with the 9,750 square foot Hospice Alliance facility. This parcel is owned by Hospice Alliance Foundation, Inc.

91-4-122-082-0134 is a 44.09 acre vacant, undeveloped parcel owned by VK Development.

91-4-122-082-0300 is a 9.03 acre parcel improved with the 64,197 square foot Grande Prairie Nursing Home facility. This parcel is owned by SMV Pleasant Prairie, LLC.

The Plan depicts both retail and office uses on the undeveloped, VK Development-owned portion of the property. The Plan depicts nine retail buildings and three office buildings as noted on the table below. And the table is also on the slide and in your packets. There are buildings A through L, and the proposed uses are either retail or office particular uses. They range or vary in size from just over 7,000 square feet to almost 340,000 square feet. The number of stories for all the retail or office buildings vary from one story to two stories. And the location is also identified in the chart for you. The only correction that I note is building L for the location should read the northwest corner of 77<sup>th</sup> Street and 104<sup>th</sup> Avenue, not Prairie Ridge Boulevard, because that particular parcel is kind of nestled north of 77<sup>th</sup> and just south of a wetland area.

The grand total of office space and retail space as proposed through this conceptual plan is 568,900 square feet of space. It should be noted that the ultimate size, use and locations of these buildings may change upon specific site and operational plan submittal and the approval of each building. We do have one particular use that we are going to be bringing to you and is on the agenda this evening which fits in with this conceptual master plan for the development. So we felt that this was an appropriate time for us to get very specific some plans with respect to some uses that we're working with at this time.

With respect to zoning on the property, according to the Zoning Map, all of the VK Development-owned property within the Plan area is zoned B-2 (PUD), Community Business District with a Planned Unit Development Overlay. The existing Prairie Ridge PUD 00-43 was adopted May 15, 2000 by the Board pertains mainly to signage within Prairie Ridge. The B-2 District requires that lots have a minimum of two acres and have a minimum lot frontage on a public street of 150 feet.

The Grande Prairie Nursing Home and Hospice Alliance properties are zoned I-1 (PUD), Institutional District with a Planned Unit Development Overlay.

There's a small property on 104<sup>th</sup> Avenue that has an existing ranch single family home. That's currently zoned R4, Urban Single Family Residential District. Eventually that will be brought into the B-2 District as well.

Additionally, there are three small wetland areas located along the east side of 104<sup>th</sup> Avenue. Peggy will identify those at the intersection, one a little bit further south and one just south of 77<sup>th</sup> Street. These areas are zoned C-1, Lowland Resource Conservancy District. Pursuant to the Ordinance, all buildings, structures and pavement, including curb and gutter, any other structures that are built in those particular areas must minimum at least a 25 feet to those wetlands. It's intended that the wetland areas will be preserved and protected as part of this conceptual plan development. The other item I'd just like to bring up are that wetland stakings in the Village are valid for approximately five years. So if a five year time frame passes before any development occurs in proximity to the wetlands they do need to be redelineated either by the Regional Planning commission, SEWRPC or a private entity and then verified as to their continued accuracy.

Planned Unit Development (PUD): If and when this commercial area of Prairie Ridge develops, it may be necessary for portions of the development area to incorporate a PUD zoning designation in these particular areas, especially if there's multiple buildings per property or they're looking for some flexibility with respect to dimensions or setback requirements. At this point we're not going to be discussing any further PUD's tonight, and the item that's on the agenda will not be required to obtain a PUD this evening.

Under construction phasing, VK Development has been actively marketing this Plan area since 1999. VK plans to develop this area over the next several years, depending on the status of the retail market and economy. The initial development is proposed to occur on the Building C site, which Peggy can identify, with the construction of a 6,830 square foot Famous Dave's restaurant. The Plan Commission will consider a Conditional Use Permit and Site and Operational Plans for Famous Dave's as an agenda item during tonight's meeting.

As with the recent Prime Outlets expansion proposal, the Village has police protection and security issues that are associated with large commercial development (e.g. the Building H site on the Plan). If/When the Building H site is developed (or any other large commercial development), it may be required that the owner/developer enter into an Agreement (similar to the Agreement between Prime Retail and the Village) with the Village regarding police protection and security issues.

With respect to police protection and security issues, as with the recently approve Prime Outlets expansion proposal, the Village has police protection and security issues that are associated with any type of large commercial development. If and when the large building, which is Building H, it's a multi-tenant commercial structure is constructed, the Village with require that the developer enter into an agreement with the Village to address security and other related issues for police protection for this particular property.

As information, the security Agreement between Prime Retail and the Village generally includes and requires such items as: 24 hour security guard coverage, concave mirrors to expose blind corners, a Detex monitoring system, adequate training of security staff, lock-outs and other vehicle-related problems that are referred to towing services and lock companies, the inclusion of an easily accessible and identifiable security office where video monitoring and security dispatching would be performed, the installation of a passive wireless digital video monitoring system that covers the exterior improved common area portions of development sites and maneuvering lanes. And this is to provide a video recorded record to help identify on-site vehicles and persons associated with any criminal activities. Again, as we continue to grow as a Village we are always looking at ways to help identify means and methods to support and provide assistance to our police and fire departments with these types of new security issues.

With respect to off street parking, the ordinance entitled Minimum Off-Street Parking Spaces Required lists multiple land use categories and minimum spacing requirements for these types of uses. Retail stores require one parking space for each 200 square feet of primary floor area; five spaces for each 1,000 square feet of primary floor area; plus one space for every two employees. Professional office uses require one space for 250 feet of floor area, not 750 square feet as noted on the plan. I guess the reason why we're bringing out a lot of these issues at this time is remember that the purpose of the conceptual plan stage is to bring all the policy-related issues and concerns that the staff and the Village may have to a developer so they have an early opportunity to evaluate the continued process in the development and how they are going to be developing their particular property. I think you're probably more familiar with this process as it pertains to residential development, but we do go through the same process for commercial development.

On the next page of the staff comments, and I'm not going to go through all of these, there's a parking data that identifies based on the building number, the number of required handicapped parking spaces, standard spaces and the total number of parking spaces that would be needed for the entire development area. We understand that there could be a number of uses that could share

through cross-access easements parking and driveways and drive through lanes, but it's important to note that an adequate number of parking spaces would be needed at full build out when everything is occupied.

Tom Terwall:

Jean, just for the record, buildings B and H they don't cross. If you had the normal parking places but the handicapped parking places it should equal the total . . . it does not equal 226, and the same for building H.

Jean Werbie:

It should be 66. We've got that corrected.

Under architecture and aesthetics, when the plan area develops, the Village staff and the developer will be working together to ensure that this commercial portion of the Prairie Ridge Development develops as an architecturally unified commercial development. The use of buildings, similar materials, architectural styles will be emphasized. We've discussed this with them significantly, and over the years as the new tenants have come in out there they have set a pretty high standards as to the type and style and design and materials, and I think that will be consistently shown as the project continues to development.

With respect to sanitary sewer relocation, there is an existing 18 inch sanitary sewer line, within a 30 foot wide easement, that traverses that property. Specifically, as shown on the Plan, and Peggy is identifying it for you, the sanitary sewer line extends due east from the 77<sup>th</sup> Street-104<sup>th</sup> Avenue intersection then due south to the Prairie Ridge Boulevard-100<sup>th</sup> Street intersection. This was a sanitary sewer that was put in a number of years ago when the property was still owned by Parot and it was being farmed. At that time they took their best guess at where to put a sanitary sewer line. Unfortunately it doesn't fit into the designs of what we're looking at today. But the comment that no buildings will be allowed to be constructed over the sanitary sewer line and associated easement holds true. So if they would like to construct the buildings as proposed they will need to do some relocation of that sanitary sewer line.

With respect to wetlands, 100 Year Floodplain, Shorelands & Primary Environmental Corridor the Plan area has no 100 year floodplain, shoreland jurisdictional area or areas of Primary Environmental Corridor. As I noted previously there are three wetland complexes that are within this commercial area which will need to be preserved and protected, and any buildings or hard surface areas will need to maintain a 25 foot setback to those areas.

The commercial Plan site will have public road access via:

- < 99<sup>th</sup> Avenue at 75<sup>th</sup> Street. At this time that is an open median as part of the Highway 50 access management and functional plan that is intended to be maintained as an open flow median at that location.
- < 76<sup>th</sup> Street, west of the St. Catherine's Hospital campus. Actually 76<sup>th</sup> Street is the main east/west road that kind of bisects this commercial area. You can gain access from it from 94<sup>th</sup> Avenue heading south and then west on 76<sup>th</sup>, it converts to 77<sup>th</sup>, and that links you all the way to 104<sup>th</sup> Avenue on the west end.

One of the things I did want to note, and there was a comment that was received in a letter from Peter Moulter from St. Catherine's Hospital, is that they had requested that there be no direct commercial access from the hospital site into the commercial area. That the connection between the two would be a public road connection at either 76<sup>th</sup> Street or Prairie Ridge Boulevard. They would prefer if the commercial traffic didn't exit in and out of their outer loop road or anywhere near their emergency or any of their other parking lots for the hospital facility. We agreed to that so there aren't any connections except for at the public roads on the north and south. Again, it's not onto Highway 50. You're still making your cross-connections internal to the development site.

I guess the other thing that I just wanted to mention is that what we tried to do was we tried to identify those particular retail commercial uses that would provide the best transition from the residential areas on the south end and the residential that's west of 104<sup>th</sup> and transition those areas so that the more intensive retail uses are more internal to the site, and more of the bigger box uses are internal to the site so that there's more of a softer or transition, that you're not going to have as many issues with respect to anything from hour to operation to parking to trucks and signs and traffic and things like that. So that was the design and the layout when we put this together with their team.

With that, I'd like to introduce the developer and any representatives that would like to make a presentation on this commercial project.

Fuad Saab:

Good evening. My name is Fuad Saab from VK Development. The address is 19275 West Capital Drive, Brookfield. I'd like to make a brief presentation to continue what Jean had addressed. Pretty much she covered everything. I just want to address the entire development. What we're planning on bringing here is basically a retail lifestyle, more pedestrian shopping. That will be mostly along the building H. They're all interconnected with each other. That will be a pedestrian covered way and individual entrances for these retailers. Each one of those vary in sizes based on the uses. We don't know those uses yet, but we are basically marketing them to what's in the market nowadays as typical users, so we're addressing those square footages, and we based the parking and design based on those assumptions. So some of the parking numbers will change based on the final needs from the tenants we will be building for.

Mostly along Highway 50 we'll be basically designing for small, about 7,000 square feet, it depends. We may combine those two buildings together if we have one tenant who comes in and says I need one big building of this size. So we'll make sure it fits, has the number of parking required for that particular tenant.

Right now we have tonight coming after this presentation is Famous Dave's restaurant who will be going in first, and then we are actively marketing the rest of it. So mostly we'll be all retail along Highway 50, as well as you come in off of 99<sup>th</sup> Avenue into two small retail, try to frame the view into building H which will be mostly medium to big box retailer. They will have parking in front of the buildings. We introduce some of the landscaping, pedestrian walkways and so forth and try to create a pleasant experience in shopping. As well, in the back of the buildings will be service docks as well as employee parking will be needed for those tenants.

To the south of it we have three office buildings, I, J and K, and these are just basically a broad number off of the square footage that we put in here, and these numbers may change based on the

tenants that we bring in. Along 104<sup>th</sup> Avenue we'll have the main entrance along 77<sup>th</sup> Street. We have an existing home we'll be tearing down and constructing a small retail space. So that way we'll have the main entrance off of 104<sup>th</sup> and 99<sup>th</sup> Avenue. Most of these buildings will be one story, and they vary in heights and they will have architectural features, towers and so forth, that may fit into this scheme, and then two story office buildings in the back. That's it.

Tom Terwall:

Thank you.

Jim Bandura:

What's the truck circulation coming off of Highway 50? How is that going to circulate around the buildings for the back side?

Fuad Saab:

Most trucks will be coming in off of 104<sup>th</sup> Avenue, and they'll be coming in and circulating in the back of building H which mostly is where the service docks are for those buildings.

Jim Bandura:

Is that going to be two way?

Fuad Saab:

That will be two way, yes.

Jim Bandura:

It's hard to tell on this drawing here, but you may have a little problem for truck circulation if they wanted to get back out and circulate around to Prairie Ridge Boulevard. It looks like there's a tight corner there.

Fuad Saab:

We haven't necessarily engineered all those details yet. As we progress we'll see what the requirement radius is they need and we'll adjust all those to that.

Tom Terwall:

This is a matter for public hearing. Is there anyone wishing to speak on this matter before I open it up to Commissioners? Anybody wishing to speak?

Susan Fountain:

My name is Susan Fountain, 10208 80<sup>th</sup> Street. Looking at the map my back door I look straight across at Hospice. A couple of the questions we have are primarily on buildings I, J and K, the two story office buildings. We're used to looking at the nursing home and Hospice which I think might be two story. It's like the second windows that you see are part of the roof. I didn't realize that until you proposed this and I started looking out there. I am thinking about two story office buildings, and I'm directing this at you because I think you know, I'm concerned about heights and the connection of equipment, architecturally how that will blend in, say, to Hospice.

Fuad Saab:

Most of the homes basically along here are two stories, and then these buildings will be most likely also two stories. Architecturally, they are designed in a way so you will see the end of it in the two story. You're not seeing a long building as a two story. So we intentionally design them in a way that the length is more north/south. So as you look at it you will see this is a two story, while this is open. So it kind of changes the direction of the building versus being all long so it does not look like a wall.

Susan Fountain:

Okay, my plan, of course, didn't show that much detail. The other issue as far as signage, I guess one of our concerns, and my husband is at a meeting tonight so I'm saying our concern, on the Hospice they have really not too big of a neon sign, but it is across or parallel with the road so it's nice and bright. It certainly lights up my great room at night, so that's a concern I would register if a sign could be put perhaps where it's not quite as illuminatory, so that was a concern.

And the other one was the security part, but it sounds to me like security is being covered. I have the issues as far as what happens in those lots. We haven't really had a problem with Hospice or the nursing home, but I'm thinking of an office building that's empty. And the last question is do you have any idea of what offices you are marketing? I realize they're not rented or anything, but could you give me an idea?

Fuad Saab:

In terms of signage, we will be addressing the signage when the time comes for each building, and we haven't discussed if it's going to be illuminated or non. Typically if you go around our campus by the senior center or by Hawthorne Suites or whatever, you'll see our signs are not self-lit. They're kind of lit upward into the signs so it's much more esthetically pleasing. In the nursing home I don't know what Hospice or if they have made a requirement that they need certain illumination. I'm not sure so I can't judge on that.

In terms of the tenants, it could be accountants, a multi tenant who can come in and rent a thousand square feet so we're not sure. Right now it's just a speculation at this point.

Tom Terwall:

Anybody else wishing to speak? Anybody else? Hearing none, I'll open it up to comments and questions.

Don Hackbarth:

Can I go back to that 99<sup>th</sup> Avenue entrance off of Highway 50? As I see this plan right here it looks as though if you're going north on 99<sup>th</sup> there's only a right turn access onto Highway 50, correct?

Fuad Saab:

Correct.

Don Hackbarth:

As you're coming west can you make a left hand turn there to go into the shopping center or into that retail area? If you're going west toward I-94, if you choose to take a left turn can you go in that way?

Fuad Saab:

I believe it looks like it's delineated onto Highway 50 but I'm not sure. I cannot speak to that.

Don Hackbarth:

The cut through is there, but I'm not sure if you can gain access.

Fuad Saab:

I believe there is but I'm not sure.

Jean Werbie:

Peggy is going to run and get my plan off my credenza and I'll answer that in a few minutes.

Don Hackbarth:

And if that is the way it's going to be designed, I would strongly encourage a long enough access lane to the inside to turn off. Because if you're going up 31 and you're trying to go west on 50, you're sometimes backed up. And effectively 31 is a one lane highway, because the right hand land is a right turn on Highway 50, so you're dealing with a one lane highway at rush hour. So I wish Highway 31 going north by the bank there they would have made that access lane a lot longer for a left hand turn going on 50.

Tom Terwall:

There are changes coming there, too, Don.

Don Hackbarth:

Man, it's a nightmare. What I'm saying is even in the initial design if that is going to be a left hand turn going south into the retail area, to make that access lane as long as you can, because that looks like a pretty big sized retail center. I hate to see it back up on 50 because then you're effectively making it a one lane highway.

John Braig:

Is that not under the responsibility of the Highway Department?

Don Hackbarth:

I'm just saying in the plan it should be thought of. I don't care whose idea it is, if it's DOT's rule. It should definitely be something that's looked at. I have one more question. The other question I have is personally I think access off of 99<sup>th</sup> Avenue coming south, I personally would like to see a four way stop there. I'll give you an example. Going into Menard's it is downright dangerous because you've got the right of way going through and rarely do people respect that. They pull in front of you. They should have just made Menard's access there a four way stop. So I'm saying that maybe that should be a four way stop because I think it's a lot safer.

Fuad Saab:

I want to respond to that. I know the DOT did a traffic study in the time when we had just a broad idea of this would be a retail. They've looked at this whole intersection and that's why it was designed accordingly to handle the flow in and out. Now, they have warrants that will go in place based on a certain traffic flow, and those warrants will be installed. If a signal was required or a left turn or more of a stacking lane is required, the trigger based on the flow of traffic will allow us that.

Don Hackbarth:

I'm sure DOT was involved in Highway 31, too.

Jean Werbie:

A couple of things. First of all, the DOT has asked that the TIA, the traffic impact analysis, be updated for this particular project because some of the uses have changed from the original design and submission to them. So they have asked that that be resubmitted to them, and we concur that they should get some updated information to make sure things are going to be moving smoothly into the project.

A couple other things. With respect to this 99<sup>th</sup> Avenue that's coming north/south, these access connections right here would need to be eliminated. Because one of the things that they really want is that traffic to come off the State highway and to come shooting straight down. They don't want it to stop. They don't want it to back up at all onto Highway 50, and there could be some peak times where there could be a number of cars turning in, and the intent is that they want them to keep coming down through the throat of that main roadway. They don't want them to back into Highway 50.

Don Hackbarth:

I think it's a mistake.

Jean Werbie:

We will note your concerns and we will talk to the DOT when the TIA is put together and indicate possibly some additional decel lanes or a longer decel lane. The problem is we get too close to the intersection of 104<sup>th</sup> Avenue and that could be problematic as well.

Getting back to Jim Bandura's comment with respect to truck circulation on the site, actually he makes a good point with respect to truck traffic that might be coming in at about 78<sup>th</sup> Street and they're coming around the back of the site, and if they go north we should have a connection at this point so that they can circulate and then go right back out without having to back up or do any funky turnarounds on the site. So we'll work with the developer so that there is a connection to 76<sup>th</sup> Street that lines up with the driveway across the way and it's far from St. Catherine's western entrance so that that truck can--and it will have the turning radiuses so they can actually make that movement. Hopefully most deliveries will be when there's not a great deal of traffic out there.

And the last thing I wanted to mention is the maximum height in the B-2 District as it currently exists is 35 feet. So those office buildings would be no taller than the existing single family homes if they're two story across the street.

Wayne Koessl:

I agree with Don's comments about the left turn going into 99<sup>th</sup> Avenue because they should make that left turn all the way back as far as they can to the line of traffic. But I have another concern on it. West of 99<sup>th</sup> Avenue and east of 99<sup>th</sup> Avenue I think they should look at some egress lanes going there so that people can get into the traffic without bobbling up Highway 50, because that road is almost a dead highway right now.

Tom Terwall:

A deceleration lane?

Wayne Koessl:

Right, and I think they need them there. Because the figures here are 2,507 parking places. That doesn't include the service traffic that's coming in there for vendors and truckers. I'm not against the plan, but just looking at the traffic pattern in there we should check with DOT and see what they can do for us.

Mike Serpe:

With reference to 99<sup>th</sup> Avenue, Jean, I'll be honest with you I would much rather see the traffic forced to 104<sup>th</sup> Avenue and come into this development rather than cut across on 99<sup>th</sup> Avenue unless it's going to be signalized, and I don't think they're going to signalize 99<sup>th</sup> Avenue when 104<sup>th</sup> Avenue is signalized already, and 94<sup>th</sup> Avenue is going to be signalized in the future. Leaving this as is DOT is going to create a hazard for anybody trying to cut across that highway into this development. That aside that's for somebody else to worry.

My question, the A, B, C, D the top buildings where Famous Dave's is going to go, the front of the buildings are going to be on 72<sup>nd</sup> Avenue, is that right? Or, 77<sup>th</sup> Avenue?

Fuad Saab:

Most of the buildings basically may have two frontage. They won't really have a back. This elevation will be as important as this elevation.

Mike Serpe:

The reason I'm asking the question is because it's front or back to Highway 50 I imagine your plans are to make the backs as attractive as the fronts not knowing at this point where the front door is going to be. And with reference to the garbage racks, the truck trafficking, the deliveries, it's only conceptual and I know that, but I think we need to start addressing how we're going to service these buildings.

Fuad Saab:

Some of these buildings will have dumpsters or whatever being closed within the building or either on the east side or west side of the building so that they will be sharing--for example, this could be one tenant and we don't know what this tenant wants. And you'll see in Famous Dave's plans how they've done the dumpsters, the garbage, the loading and so forth. This will kind of follow similar.

John Braig:

I'm surprised that there aren't many residents from the area in the audience tonight. It seems to me when this project was first announced we had quite a few people in the audience. And one of their concerns was the development of a major commercial center with a lot of traffic and a lot of lights. I remember at that time we were given the assurance that this would be primarily a service type of retail operation with more emphasis on office and small services like salons, insurance offices and that type of thing. Apparently in terms of notifying the residents of the area we've just met the minimum requirements. I think we do a disservice to the community and to the residents of this Village when something this big comes around and nobody really knows about it. Sure it was noticed in the paper, but there's a lot of people who don't read the notices and there's a lot of people who don't even read the paper. But I think a greater effort should be made to let people know what is going on in a meeting like this.

Jean Werbie:

In response to that, we do notify within 300 feet along Prairie Ridge Boulevard and the entire perimeter of the site, but we also notified directly the members of the homeowner's association, the President and others, who are actively involved in getting the word out to their entire community.

John Braig:

I find that adequate then.

Jean Werbie:

If they felt that there was an issue, and we certainly can call the association Board and ask them if they had any direct concerns. V.K. has in the past worked directly with them on a number of related issues, and I'm sure that they wouldn't hesitate to do that again in this particular project.

The other thing I wanted to mention is this is an area that's zoned B-2, and that's Community Business. It was never intended to be just small offices up here. This was intended to be primary commercial for the Village of Pleasant Prairie. And with the PUD flexibility, we are going to be able to create a very desirable location and destination, and in this case a lifestyle center that's going to attract a number of people not just from Pleasant Prairie but from the entire community with respect to the uses that they're working with. So while we can transition some uses on the periphery, it's not intended to be a quiet area. It's intended to be a thriving retail area that everyone is going to want to come to and have will have uses that will be very desirable for not only the residents there but the residents in the Village.

Jim Bandura:

Jean, you mentioned that it's going to be a PUD, and as far as the signage goes I kind of agree with the lady that's on 102<sup>nd</sup> and 88<sup>th</sup>.

John Braig:

Ms. Fountain.

Jim Bandura:

I would recommend that we look at internal signs, ground signs. The hospital there has the entrance to the emergency room, and they have spots on it, and it just burns the text out. You can hardly read it it's so bright. So I'd recommend looking at the signage a little more close.

Jean Werbie:

And we certainly can. Right now the maximum height for the signage basically for all those uses is six feet. I don't think there's too many communities that only allow six foot high signs in a large commercial area. If there are particular signs that have some concerns due to their brightness or where they're placed, we certainly work with them on those particular issues and matters. But the intent is that the focus of this will still be towards Highway 50, so the intent would not be that there would be bright spot lit crazy signage that would cause problems for residents to the south or to the west.

One other thing I wanted to mention in looking at the DOT's functional plan for Highway 50 at 99<sup>th</sup> Avenue, they are proposing to close the full median at that location, but put in channelized left turn lanes. So if you're going westbound on Highway 50, there will be a channelized left turn lane for you to go south on 99<sup>th</sup> Avenue into the development. And if you're headed westbound, then you'd have a right in/right out at 99<sup>th</sup> Avenue. If you want to come in at a signalized intersection, 94<sup>th</sup> Avenue will be a signalized intersection, and obviously 104<sup>th</sup> Avenue is signalized and then you can come down and enter at 77<sup>th</sup> Street or at Prairie Ridge Boulevard.

Don Hackbarth:

We addressed a lot of concerns here, and I think with the concerns that have been issue addressed they'd be taken care of, and with that I'd move approval.

Mike Serpe:

Second.

Tom Terwall:

Any other comments or questions?

Wayne Koessl:

Jean, it's probably too late, but have they ever thought of a frontage road on the south side of Highway 50 between 104<sup>th</sup> and 88<sup>th</sup>?

Jean Werbie:

That's what 76<sup>th</sup> Street is a Frontage Road. 76<sup>th</sup> Street extends from 88<sup>th</sup> Avenue all the way to 104<sup>th</sup> Avenue, and that is considered a frontage road because it parallels Highway 50 for that full mile in Pleasant Prairie. It doesn't on the north side but it does on the south side.

Wayne Koessl:

I do see that on the plan, but once the traffic gets in there, Highway 50 is going to be the real toughy there to solve the problem.

Jean Werbie:

The State didn't want the frontage road or the parallel road any closer at its intersection, so that's where it is. On the east end it's 460 feet south of the intersection, and on the west end at 104<sup>th</sup> Avenue we lined it up with an existing public road.

Tom Terwall:

**NO FURTHER COMMENTS OR QUESTIONS WE HAVE A MOTION BY DON HACKBARTH AND A SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE MASTER CONCEPTUAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

John Braig:

Just a comment. I recall attending meetings at other locations in the Village Hall here by some people that weren't always satisfied with the progress of the Village. One of their complaints was that the Village opposes commercial development and I think this negates that.

**C. Consider the request of VK Development Corporation, property owner, for a Certified Survey Map to subdivide Tax Parcel Number 91-4-122-082-0131 into two (2) Lots.**

Jean Werbie:

Mr. Chairman, the petitioner/property owner is requesting to subdivide the approximate 13 acre property, bounded by 75<sup>th</sup> Street on the north, 77<sup>th</sup> Street on the south, 99<sup>th</sup> Avenue on the east and 104<sup>th</sup> Avenue on the west into two parcels.

The property, Tax Parcel Number 91-4-122-082-0131, is primarily zoned B-2 (PUD), Community Business District with a Planned Unit Development Overlay. The Prairie Ridge PUD that was adopted by the Board on May 15, 2000 pertains mainly to signage for this particular area of Prairie Ridge. Additionally, there are two small wetland areas located along 104<sup>th</sup> Avenue that are zoned C-1, Lowland Resource Conservancy District on the proposed Lot 1. The B-2 District requires lots to be a minimum of 2 acres and have a minimum lot frontage on a public street of 150 feet.

Lot 1 is vacant and is proposed to be 10.913 acres with 882.52 feet of frontage on 75<sup>th</sup> Street and 954.62 feet of frontage on 77<sup>th</sup> Street and 527.85 feet of frontage on 104<sup>th</sup> Avenue. Lot 1 exceeds the minimum lot size and frontage requirements of the B-2 District. There are two small wetland areas located along 104<sup>th</sup> Avenue on this lot.

The proposed CSM depicts a notched-out area along 104<sup>th</sup> Avenue that is not included in the CSM. This omitted parcel is known as Tax Parcel Number 91-4-122-082-0005. It contains an 1,120 square foot single family ranch. Given that the eventual development plan for this parcel and the surrounding parcel is for commercial development eventually it's going to be included in a certified survey map and developed for commercial purposes.

Lot 2 is vacant and is proposed to be 2.172 acres with 305.32 feet of frontage on 75<sup>th</sup> Street, 954.62 feet of frontage on 77<sup>th</sup> Street and 336.55 feet of frontage on 99<sup>th</sup> Avenue. Lot 2 exceeds the minimum lot size and frontage requirements for the B-2 District.

Lot 2 is proposed to accommodate a Famous Dave's restaurant, which is to be considered on the agenda tonight. It's the next item on the agenda. As noted on Sheet 2 of the CSM, there are several easements, setback restrictions and vehicular access restrictions associated with the CSM and they're all shown.

The subject properties are not located within the limits of the 100-year floodplain or within a shoreland jurisdictional area.

Both municipal water and sanitary sewer are available in 77<sup>th</sup> Street and 104<sup>th</sup> Avenue. Ninety-ninth Avenue contains municipal water, but does not contain sanitary sewer. Neither municipal water nor sanitary sewer are available 75<sup>th</sup> Street. With that, this is not a matter for public hearing. It's a certified survey map to subdivide the property, and the staff would recommend approval of the CSM subject to all the comments and conditions as outlined in the staff memorandum.

Don Hackbarth:

Move approval.

Wayne Koessl:

Second.

Tom Terwall:

**COMMENTS AND QUESTIONS? MOTION BY DON HACKBARTH AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**D. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS for Larry Seedorf representing Famous Dave's, future owner, to allow the construction and use of a 6,830 square foot Famous Dave's restaurant with outdoor seating at the southwest corner of 75<sup>th</sup> Street (STH 50) and 99<sup>th</sup> Avenue in the Prairie Ridge Development.**

Jean Werbie:

Mr. Chairman and members of the Commission, as a part of the public hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and they are described below for you in the findings of fact.

Findings of Fact

1. Larry Seedorf representing Famous Dave's, the future property owner, has applied for a Conditional Use Permit including Site and Operation Plans, to allow the construction and use of a 6,830 square foot Famous Dave's restaurant with outdoor seating at the southwest corner of 75<sup>th</sup> Street and 99<sup>th</sup> Avenue in the Prairie Ridge Development. This is identified as a portion of Tax Parcel Number 91-4-122-082-0131. Famous Dave's

restaurants specialize in St. Louis style barbeque ribs and chicken. This is provided as Exhibit 1, the application and plan.

2. At tonight's meeting, the Plan Commission held a public hearing pertaining to the Master Conceptual Plan for the Prairie Ridge commercial area. The Village staff recommended that the Plan Commission conditionally approve the Master Conceptual Plan. When it's approved by the Village Board, the Famous Dave's restaurant will conform to the Master Plan and the Village Comprehensive Land Use Plan Map.
3. Also at tonight's meeting, the Plan Commission reviewed a Certified Survey Map to create Lot 2 of the proposed CSM to create the 2.172 acre Famous Dave's parcel. This matter also does need to go to the Village Board at their next meeting.
4. The property is zoned B-2 (PUD), Community Business District with a Planned Unit Development Overlay. The Prairie Ridge PUD pertains mainly to signage within Prairie Ridge. Pursuant to Section 420-119 D. (2) (u) of the Village Zoning Ordinance, restaurants with outdoor seating are allowed in the B-2 District with the approval of a Conditional Use Permit. They provided that application as Exhibit 2.
5. The proposed Famous Dave's restaurant will include approximately 1,200 square feet of outdoor seating area located primarily on the east side of the building.
6. Given the location of the restaurant, in a commercial area, and surrounded by public roads on three sides, one of which is 75<sup>th</sup> Street, a heavily traveled State Highway, the Village staff does not foresee any adverse effects of the outdoor seating, such as noise, to neighboring properties.
7. The development of the building and site complies with the requirements of the Zoning Ordinance. Building construction colors and materials, cultured stone, EIFS, asphalt shingles, signage with the exception of the raceways, parking, building and parking setbacks, open space, hours of operation, etc., are all in compliance with the Village Ordinance.
8. The Famous Dave's restaurant will employ approximately 140 people, 40 of which will be full-time employees.
9. Access to the site is proposed from two driveways from 77<sup>th</sup> Street. The Village staff is concerned about the location of the easternmost 77<sup>th</sup> Street driveway. The separation spacing from this driveway to 99<sup>th</sup> Avenue as measured from centerline to centerline is only approximately 90 feet. We feel that this is a little bit close. So what they're going to need to do is shift that particular driveway to the west, or they will need to adjust the driveways, and we have an overhead that Peggy is showing you, or slide, that shows you how the driveways could be adjusted so that we've got that separation spacing that we need of 105 foot from centerline to centerline. This is provided as Exhibit 3, Option A. The staff suggests relocating that easternmost driveway so it's a minimum of 105 feet from that intersection as measured from centerline to centerline, and also to relocated the westernmost driveway so that it's centered on the Building C/Building B shared property line. But this is something that we can talk to Famous Dave's about. I have not had an opportunity to speak with them so I'm not sure what their traffic circulations and patterns

are on the site, but we'll want to make sure it works for them and it works for traffic flow within the center as well.

10. Cross-access is being provided at the northwest corner of the site with the property to the immediate west. Upon development of the adjacent west property, this cross-access will be required to be utilized between the two sites. Reciprocal Cross-Access Easements shall be granted for the two properties. This information is provided as Exhibit 5.
11. The signage plan for the facility is acceptable in concept, including the Wall Sign plan depicting a maximum of 150 square feet of Aggregate Permitted Background Commercial Advertising Sign Area for the site. Prior to the installation of any signs, a completed Sign Permit Application, fees and related materials will need to be provided to the Village. All Wall Signs shall be flush-mounted to the building wall. No sign raceways will be permitted.
12. For further information on this project, refer to the Famous Dave's Operational Plan which is Exhibit 6.
13. Notices pertaining to the outdoor seating Conditional Use public hearing were sent to all adjacent property owners via regular mail on June 27, 2005 and notices were published in the *Kenosha News* on June 27, 2005 and July 4, 2005.
14. The petitioner was emailed, not faxed but emailed, a copy of this memo on July 8, 2005.
15. According to Chapter 420, Article XVIII of the Village's General Zoning and Shoreland/Floodplain Zoning Ordinance (Village Zoning Ordinance), the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing that the project as planned, will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other applicable Federal, State or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, noise, storm water management, streets and highways and fire protection.

With that, I'd like to introduce representatives of Famous Dave's to make a further presentation.

Todd Olan:

Thank you, Mr. Chairman. My name is Todd Olan. I'm with Land Development Solutions out of Grand Rapids, Michigan. I'm here with Larry Seedorf. He's the proprietor of Team R & B Wisconsin doing business as Famous Dave's. There's several Famous Dave locations throughout the State now and other states as well. They're doing some in Michigan and looking at other communities.

I just want to take a minute to briefly explain our concept here. I have some menus if you're interested in looking at them. We've submitted a couple of letters, conditional use permit, a

booklet outlining what we offer, general site locations and pictures and some things of that nature. So, as you're looking at the pictures there, we also have some photos of the interiors which are real interesting.

We've been working with VK Development and the Village staff real closely on the site plan, and all the description until now has been very accurate. We've had a good chance for several days to look over all the notes, all the review comments that we received from the Village staff, and in general we have two access points from 77<sup>th</sup>. Just to cover a point that was brought up in a previous hearing that service drive comment that, just to reiterate, 77<sup>th</sup> really is a service drive. When you look at the layout there is no access directly from or to any site from State Highway 50. All of it comes in and gets onto 77<sup>th</sup> and then enters all the sites that are along Highway 50 from the south which is what we've done here. There is no access from 99<sup>th</sup> into the site. There's no access to Highway 50.

As you enter the site we have the parking around the building obviously surrounding the building. It is a double fronted building. Excuse the plot here, it came out a little green, but you all have pictures of the elevations that were submitted in the packages. The fronts of the buildings basically these elevations here and here, so they look a lot like the front of the building from both the south and the north as well as really the east. If you look at this face of the building here, this face of the building and this face of the building, it all looks like a front door, not a utility type of a face of a building. The utility's exposure we really tried to limit as much as possible on the west. We have a high wall enclosed area that's quite large. It's supposed to house, number one, a smoker that's used to cook the ribs, smoke the ribs, and there are several containers to separate recyclables. And there's also an area in there we have a real strong catering side to this business, and the van and the trailer are well advertised, so we keep those vehicles in there as well when they're not being used on site.

We also offer a service of curbside pickup. It's not a drive through, but if you call ahead and tell them what kind of car you're driving and pull in like other places you've seen. It's been a very successful piece of Famous Dave's business where they pull up. With this it's not really curbside so to speak. They actually walk into a take out door, grab their food, pay and exit.

Like I said before, we've had a pretty lengthy discussion with everybody involved, all the stakeholders, and have had a chance to go through all the comments and basically are in agreement with all the comments we received. We're aware that we have to go after or apply for soil erosion permits, driveway access permits for any work that's going to be done within a County right of way or State highway. We also have to work with the utility departments for connections, the fire department for connections, sizing of fire lines and so on and so forth. There are numerous reviews and comment related things that we're going to have to go through before we get the approvals.

We appreciate the comprehensive review we have received, and found that the staff that we've dealt with is very helpful. Larry, do you want to say anything before I wrap up?

Larry Seedorf:

My name is Larry Seedorf, 1408 East Capital Drive, Appleton, Wisconsin. I'm the managing member and the owner of the company called Team R & B Wisconsin. We are the holders of the franchise agreements. Presently we have five stores in Wisconsin. We have two stores in Milwaukee, one of them being in Greenfield and one of them being in Waukesha. I hope you've

all come and seen me, and we also have a store in Janesville, a store in Appleton, and a store in Madison, Wisconsin.

This building, to be very frank with you, is a new prototype. Matter of fact, they have branding names and this is called a smokehouse building, and this will be the first smokehouse building built in Wisconsin. Bottom line we worked with Jean on this and we've done an awful lot of changing to Famous Dave's prototype to bring it into standard with what the City expects the overall appearance to be, one of them being if you look at the exterior elevations you'll see there's nothing from first floor down that is not stone, and there's no metal roof. We've worked very diligently to bring the thing to conform with your codes and your requirements.

We, and when I say we it's us at Famous Dave's and my company are excited about being here. I think it's an opportunity. We are a unique concept. We're not the standard restaurant. We bring a different flavor, if you want to put it in that nature, to the restaurant concept, and we're excited about opening up here. If everything goes well, our intention really is to be opened by the end of November. Any questions you all have for me?

Tom Terwall:

Since this is a public hearing I want to make sure you're available to answer any questions that come up. I just have one questions for you, though. I've been to the Famous Dave's at Wisconsin Dells and at Hayward. Do you have the same menu regarding the 20 year franchises or not?

Larry Seedorf:

The one in Hayward, Wisconsin actually is the original Famous Dave's. And that menu is a little bit broader because they use that restaurant as a test market to look at new menu items, so they will have some different things than we do. But in general it's similar. The one in Wisconsin Dells their menu is identical to ours except for we carry baby backs and they don't.

Tom Terwall:

Thank you. This is a public hearing. Is anybody wishing to comment on this matter? Anybody wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff.

Don Hackbarth:

The only question is I've got is I've counted out the number of parking spaces. What is the seating? How many tables?

Larry Seedorf:

The tables are 48 or 49.

Don Hackbarth:

Because it looked like parking was 115 or something like that?

Larry Seedorf:

Yes. Matter of fact when we started on this item, and I think Jean will tell you, I looked at it and we started with two acres, and we enlarged it because I said I want to add some additional parking, so that's why we did what we did.

Mike Serpe:

Two questions. The hours of operation are what?

Larry Seedorf:

From 11 to 11, and then 11 to midnight Friday and Saturday.

Mike Serpe:

And there is an application for a liquor license?

Larry Seedorf:

Yes. Matter of fact I have a lady that I've worked with, Jane, and she's been in touch with us and she's got the application. Pending getting through the proper approvals we will fill out an application. I'm not sure which kind of license is available, but I know how much it's going to cost me and it ain't \$600.

Tom Terwall:

We can thank the State Legislature for that. Any other comments or questions?

Jim Bandura:

I like the way this building is looking. I think it's going to be a good addition out there. There's not too many restaurants out there. If there aren't any more comments I would move for approval.

Larry Zarletti:

Second.

Tom Terwall:

**MOTION BY JIM BANDURA AND A SECOND BY LARRY ZARLETTI TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD FOR APPROVAL SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM.**

Jean Werbie:

This does not go to the Village Board. You have the final authority on this, and it would need to be subject to all the comments and conditions and the facts of finding and the conclusions that are listed in the staff comments.

Tom Terwall:

Then let me rephrase the motion. The motion is to approve, and you can only vote yes if you are in agreement with the findings of fact as they're published in the memo from Jean. On that basis, all in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We'll look forward to November.

Tom Terwall:

I have one comment. If you had anything to do with yesterday's Danskin, I just want to thank you on behalf of the recreation department who was responsible for putting that on. If you were there, it's one of the best orchestrated events. To get 4,200 people through that thing in the time frame that they did with no complaints, and to hear the number of participants that as they're riding their bikes they're still saying thank you for volunteering hundreds of times, it's a great thing.

Mike Serpe:

Just to continue on that. I worked it yesterday from 5 until 12:30, and I'll tell you the amount of compliments that were sent to us about the venue, about how well organized and the amount of volunteers working, it was a very, very good feeling and a very nice compliment to the Village.

## **7. ADJOURN.**

John Braig:

Move adjournment.

Mike Serpe:

Second.

Tom Terwall:

All in favor say aye.

Voices:

Aye.

Tom Terwall:

We stand adjourned.