

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
September 12, 2005**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on September 12, 2005. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Eric Olson; Jim Bandura; John Braig and Judy Juliana. Donald Hackbarth and Larry Zarletti were excused. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick, Assistant Village Planner and Zoning Administrator

**1. CALL TO ORDER.**

**2. ROLL CALL.**

Tom Terwall:

Just for the record, Donald Hackbarth is excused. The reason he is excused is he serves as the Chairman of a Critical Stress Debriefing Team who was activated as of noon yesterday and sent to Mobile, Alabama for Hurricane Katrina. He didn't know how long he's going to be gone but we wish him well down there.

**3. CORRESPONDENCE.**

Jean Werbie:

Mr. Chairman, we have one piece of correspondence. It is from the Southeast Wisconsin Regional Planning Commission. It's a review and update of the Regional Land Use and Transportation System Plans for Southeast Wisconsin. It is a third in a series of newsletters that SEWRPC is putting together for the 2035 regional transportation plan.

What I'd like to bring to your attention it is that the third in a series of public informational meetings. It has been scheduled, and they are located all around Southeast Wisconsin, however the closest one is on September 15<sup>th</sup> at the Kenosha City Hall, room 202, and they have the open house between 4:30 and 6:30 p.m. and will be taking comments for anyone who would like to make them with respect to the regional transportation plan.

**4. CITIZEN COMMENTS.**

Tom Terwall:

There are several public hearings on the agenda tonight. if you're here on behalf of one of those public hearings, we would ask that you hold your comment until the public hearing is held so we can incorporate your comments as an official part of the record for that public hearing. However, if you're here for an item that's not a matter of public hearing or if you're here for a matter that's not on the agenda, now would be your opportunity to speak. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak?

**5. OLD BUSINESS**

- A. TABLED PUBLIC INFORMATION MEETING AND CONSIDERATION PLAN COMMISSION RESOLUTION #05-13 for approval of the a revision to a portion of the Lakewood Neighborhood Plan generally located at the southeast corner of STH 165 and Old Green Bay Road.**

Tom Terwall:

We need a motion to remove that from the table.

Wayne Koessler:

I move that we remove Resolution 05-13 from the table.

John Braig:

I'll second that.

Tom Terwall:

**IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG TO REMOVE RESOLUTION 05-13 FROM THE TABLE FOR THE PURPOSE OF ACTION AND DISCUSSION. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman, the Village of Pleasant Prairie, pursuant to the provisions of Section 62.23 of the Wisconsin Statutes, has created a Plan Commission, and the Plan Commission has the authority to adopt master plans or portions thereof. The Village's Comprehensive Land Use Plan and Neighborhood Plans are a component of the Village's master plan or the Village's Comprehensive Plan.

As you know, Neighborhood Plans are based on geographical areas or neighborhoods as delineated in the Village's Comp Plan, and are intended to provide the Plan Commission, Village Board and Village residents with an early opportunity to review future probable patterns of existing and proposed land uses within a particular neighborhood.

Neighborhood Plans take into account the compatibility of land uses, identifies how future land divisions could occur, plans how access roadways to the land divisions could be provided and examines the practicability of providing certain lot layouts, road layouts, parkways, open space

areas, park areas, preservation areas, public community facilities, infrastructure improvements and municipal services to service a particular area. Neighborhood Planning is essential to the orderly growth of the community and establishes a framework as to how development should occur and if and when it should occur if it does.

The item that's on the agenda this evening is the Lakewood Neighborhood Plan. The Lakewood Neighborhood is bounded by Highway 31 which is Green Bay Road on the west, Highway 165 on the north, Springbrook Road or County Highway ML on the southeast, and it's located in a portion of U.S. Public Land Survey Sections 26, 27 and 34, Township 1 North, Range 22 East in the Village.

Back in February of 2005 the Village staff held an Open House prior to the Public Informational Meeting to answer questions related to the Lakewood Neighborhood Plan. On February 28<sup>th</sup> the Village Plan Commission approved Plan Commission Resolution #05-02 and supported the Neighborhood Plan as shown on Exhibit A of the resolution with the exception of one area. The exception was a multifamily area that is located east of Old Green Bay Road between 104<sup>th</sup> and 107<sup>th</sup> Streets. The Village Plan Commission requested that the area east of Old Green Bay Road between 104<sup>th</sup> and 107<sup>th</sup> Streets be re-evaluated by staff and brought back to the plan Commission at a later date for consideration.

This multifamily area generally located east of located east of Old Green Bay Road between 104<sup>th</sup> and 107<sup>th</sup> Streets has been re-evaluated. This information is provided on the slides. And it's proposed to be amended to reduce the total number of condominium units from 32 four-unit buildings to 17 four-unit buildings and increase the number of single family lots by 14. This, again, is shown on the slide. The southern or Exhibit A slide shows that there were an increasing number more of condominiums, and Exhibit B is where we took out at least half of those condominiums at the Plan Commission's request.

Exhibit C, includes the Neighborhood Plan as approved on February 28<sup>th</sup> in Exhibit A and the proposed amendment of the area located east of Old Green Bay Road.

The amendment to the residential area east of Old Green Bay Road between 104<sup>th</sup> and 107<sup>th</sup>, again, reduces the number of residential units in the neighborhood from 710 to 664, and the net density of the neighborhood changes from 35,008 square feet per dwelling unit to 37,438 square feet per dwelling unit. Again, an acre is 43,560. So the average lot area within this neighborhood is somewhere just under an acre in size.

In particular, approximately 570.6 acres of land within the neighborhood is proposed to be developed as residential. There are 297 existing single family lots within the Neighborhood, and these existing residential developments within the Neighborhood include: Springbrook Meadows residential development along STH 165; Springbrook Road development; 116<sup>th</sup> Street development and Old Green Bay Road. In addition there's residential development on 61<sup>st</sup> Avenue north of 116<sup>th</sup> Street, and residential development on 107<sup>th</sup>, 109<sup>th</sup> and 110<sup>th</sup> Streets east of Old Green Bay Road. The Neighborhood Plan shown on Exhibit C proposes an additional 299 single family units and 68 multi-family units. The additional multi-family units includes the 17 four-unit condominium buildings located south of 165.

This is the entire neighborhood plan, and the area that is identified in yellow on the neighborhood plan are those areas where proposed single family units would be identified when and if they choose to develop. And as I continue to go into some of the numbers, it reflects full build out

when I give you population and other information. So this is existing today where the brown areas are and the yellow is proposed. The orange area in that northwest corner is proposed multifamily.

In accordance with the Village Comprehensive Plan, the overall net density for the Neighborhood recommends that the Neighborhood be developed within a Lower-Medium Residential land use category. The average lot size should be between 12,000 and just under 19,000 square feet per dwelling unit. As you can see, though, based on the plan that we've laid out, the net density of the neighborhood is over 37,000 square feet per dwelling unit.

The following chart that's in your staff packets as well as shown on the slide summarizes all the land uses within the Lakewood Neighborhood. Under land uses, commercial area, there's approximately 27 acres proposed; existing residential area there's 297 number of residential units; proposed residential area 274; proposed additional units 367;. There's 11 acres of floodplain, 40 acres of wetland, existing right of way is 107 acres, and proposed right of way with the new developments would be 53 acres. A total of 809 acres are within this particular neighborhood. Total number of residential units existing and proposed at full build out would be 664.

Mr. Chairman, this is a matter for public hearing and I'd like to continue the hearing at this time.

Tom Terwall:

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

Ben Sherwood:

My name is Ben Sherwood. I live at 6707 107<sup>th</sup> Street, sort of across the street from the big farm field on the corner of 165 and Old Green Bay Road. The last time when this part of the plan was tabled, I was the one who objected to the density. And now I'm here to tell you that I love what Jean and the staff have done in the revision. It's unrealistic to think that open land like that is going to stay a farmland forever in the center of an area growing like Pleasant Prairie. So if there's going to be a change I sure do like the one that they've proposed, and I wanted to go on record as saying that. Thank you.

Tom Terwall:

Thank you. Anybody else wishing to speak?

Roger Davis:

My name is Roger Davis. I live at 6226 107<sup>th</sup> Street immediately adjacent to the property that's being considered. As far back as 1999 there's been significant objections to the multifamily development in this area. Mr. Pollocoff has stated that the multifamily development is necessary as a buffer. I'm not really sure a buffer to what, but that a buffer was required along 165 and Old Green Bay Road. The buffer along Old Green Bay road seems to have been abandoned, but it's still a part of the development with multifamily dwellings that are proposed in this.

I'm still unsure why there has not been, if this is simply a consideration for future development, why this development plan is very similar to the development plan that was proposed in 1999. There was no change to the proposed single family development along 165, nor obviously any

consideration for any single family development along 165. Those of us that live in the area all have homes anywhere from one to three acres, some five acres and some fifteen acre parcels out there, and to have multifamily development as is on the north side of 165 is not in conjunction with the present development.

Contrary to the gentleman that just spoke, I'm not overly pleased with the proposal. Obviously 17 multifamily development units compared to the 32 or 34 that was proposed previously is obviously a reduction, but it's still not what the neighborhood has asked for, and it doesn't appear that this Board or Mr. Pollocoff or Ms. Werbie have given that any consideration at all. There has not been an alternative plan proposed to the multifamily development along 165, and I would implore you to give that consideration. Not just a reduction, but an elimination of multifamily development. There hasn't been the opportunity for anyone to give that proposal.

I know for a fact that one of the owners is sitting in the back of the room waiting for you to approve this multifamily development, and he'll probably come up and provide you with the details as to what his intentions are. Thank you.

Tom Terwall:

Thank you. Anybody else wishing to speak? Anybody else? Anybody else? Hearing none, I'm going to open up to comments and questions from Commissioners and staff.

Mike Serpe:

Thanks, Tom. When we're talking multifamily development in this particular development, I don't think it's the same as what's on the north side of 165 which started out as apartments and then the Simon Group asked for a change in the apartment rentals to go to owner occupied condominiums. The multifamily, unless I'm in error here, that we're talking about are four unit condominiums.

Again, I've said this in the past, condominiums are becoming more and more popular everywhere we go. And if you look at the development in condominiums they are maintained to perfection, unlike some homes that a lot of us see in our own neighborhoods where there's junk cars abandoned, things laying all over the yard, the yard is not maintained. You're not going to see that in this development because there's going to be a covenants that these places will be maintained to a standard that is probably higher than most neighborhoods.

I think we did answer the request of the neighbors since the last meeting by reducing the number of condominiums almost in half and adding single family homes in its place. When we talk multifamily, please, if we're talking mega structure apartment buildings that's multifamily and I would hear your concerns. In this case we're talking condominiums that are owner occupied. I think there's a difference.

Tom Terwall:

Hearing no comments, what's your pleasure?

Mike Serpe:

Mr. Chairman, since I was the big mouth, I would move approval of 05-13.

Jim Bandura:

I would second.

Tom Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURA THE PLAN COMMISSION TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE 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.

## **6. NEW BUSINESS**

### **A. PUBLIC INFORMATION MEETING AND CONSIDERATION OF RESOLUTION #05-14 for approval of an amendment to the Carol Beach South Neighborhood Plan located between 116<sup>th</sup> and 128<sup>th</sup> Streets and between Sheridan Road and the Union Pacific Railroad tracks.**

Jean Werbie:

Mr. Chairman, some of the information I'm going to present at the beginning is, again, introductory information that I would like to make part of the record. This is a neighborhood plan that we're considering for a portion of the Village. This is the first time it's before the Plan Commission. There was an informational meeting held this afternoon between 2:30 and 4:30 for any interested parties that wanted to come in early to get an advance look at the neighborhood plan at a large scale. As I'm going through the presentation, the neighborhood plan can be found on the easel across the room as well as on the slides that we'll be presenting.

The other document that is next to the neighborhood plan is the Village's comprehensive plan which was adopted by the community to guide development and growth by way of various land uses. It was adopted back in 1996 and has been amended a few times since then, but it is the basis for land use decision making in the Village, and then the neighborhood plans help to refine that comprehensive plan.

The Village of Pleasant Prairie, pursuant to the provisions of Wisconsin Statute 62.23 has created a Plan Commission and the Plan Commission has the authority to adopt master plans or portions thereof. The Village Comprehensive Plan and Neighborhood Plans are components of the Comprehensive Master Plan.

Neighborhood Plans are based on geographical areas or neighborhoods as delineated in the Village's Comp Plan, and are intended to provide the Village Plan Commission, Village Board

and Village residents as well as other interested parties with an early opportunity to review future probable patterns of existing and proposed land uses within a particular neighborhood.

Let me interject that in Pleasant Prairie we have approximately 22 neighborhoods, and at this point we're working on about the 9<sup>th</sup>, 10<sup>th</sup> or 11<sup>th</sup> neighborhood plans. So we do not have them completed for the entire Village at this point.

Neighborhood Plans take into account the compatibility of land uses, identifies how future land divisions could occur, plans how access roadways could provide transportation access to a particular area, examines the practicability of providing certain lot layouts, road layouts, parkways. Identifies open space areas, park areas, the required preservation areas, public community facilities, infrastructure improvements and municipal services to service an area. Again, as I mentioned previously, neighborhood planning is essential to the orderly growth of the community and establishes a framework as to how development should occur and, if and when it does occur.

The Carol Beach South Neighborhood is bounded by 104<sup>th</sup> Street on the north, it's bounded by the State Line on the south, approximately Lake Michigan on the east and Sheridan Road on the west. It's located in a portion of U.S. Public Land Survey Sections 29, 30, 31 and 32, Township 1 North, Range 23 East in the Village of Pleasant Prairie.

A majority of this neighborhood was platted with single family lots prior to 1956. Some of those subdivisions include:

- < Carol Beach Estates Unit #2 platted in 1947;
- < part of Carol Beach Estates Unit #3 platted in 1948;
- < Carol Beach Estates Unit #6 platted in 1947;
- < Chiwaukee Subdivision platted in 1921,
- < Subdivision of Lots C and F Chiwaukee platted in 1922;
- < Chiwaukee Development Company's First Subdivision platted 1948;
- < Subdivision of part of Lots C and F, Chiwaukee platted in 1925;
- < Chiwaukee Development Company's Second Subdivision platted in 1956; and
- < Schmidt's First Addition to Pleasant Prairie platted in 1924.

Two areas of the of the neighborhood are not platted including an area south of 104<sup>th</sup> Street and east of Sheridan Road and an area south of 116<sup>th</sup> Street and east of Sheridan Road. Again, in just looking at the easel, one of the areas is at the north end of the neighborhood plan, and then the other is on the south end. And in going through the informational meeting today, it was important to understand that the majority of this neighborhood had been planned in detail as part of the Chiwaukee Land Use Management Plan which we will go into. The area that I think is really the area in question and where there has been some interest for development purposes is this second area that I was referring to between Sheridan Road and the tracks, between the State

Line and 116<sup>th</sup> Street. So while a number of the documents and the information is going to present the entire neighborhood, I think that most of the focus will be on this quadrant for discussion purposes this evening.

In 1981 the Town of Pleasant Prairie and Kenosha County requested that the Southeastern Wisconsin Regional Planning Commission, known as SEWRPC, bring together the concerned public agencies, non-profit, private agencies and private interests in a planning effort directed at reaching a compromise of land use objectives. This plan focused both on the natural resource protection of the Chiwaukee Prairie and the private rights of individuals to develop their land. This planning effort was initiated in March 1982 under the guidance of a SEWRPC Technical Advisory Commission created for this process.

In 1985, the Town Board signed a joint Policy Resolution #10 supporting the Community Assistance Planning Report No. 88 entitled: A Land Use Management Plan for the Chiwaukee Prairie-Carol Beach Area of the Town of Pleasant Prairie as prepared by the SEWRPC under the direction of the Technical and Citizen Advisory Committee. The Land Use Management Plan set forth development areas within the existing platted areas of Carol Beach and Chiwaukee Subdivisions and had designated non-development areas as preservation areas. The Plan set forth that the lots designated in the preservation areas located north of 116<sup>th</sup> Street that would be acquired by the Wisconsin Department of Natural Resources when a willing seller wanted to sell their land to the DNR, a willing buyer; and that the lots designated in the Preservation Areas south of 116<sup>th</sup> Street would be acquired by The Nature Conservancy of Wisconsin when a willing seller wanted to sell their land to the TNC, a willing buyer.

The Land Use Management Plan also identified that certain dedicated road right-of-ways that were not constructed were to be vacated. Approximately 43.2 acres of right-of-ways within the neighborhood are proposed to be vacated. The right-of-ways cannot be vacated until all properties adjacent to a specific roadway to be vacated are either owned by the DNR, TNC or some other non-profit or government agency.

The Land Use Management Plan is intended to guide Pleasant Prairie, state and federal agencies, and other nonprofits in exercising their respective land use regulatory responsibilities; to guide Pleasant Prairie in the provision of basic urban services; to guide public agencies and private interests in the acquisition of environmentally significant open lands; and to provide a framework within which the private land owners can formulate plans for additional development in the area. The Land Use Management Plan attempts to accommodate significant urban development within the area, while still preserving its most significant environmental features.

The Carol Beach South Neighborhood Plan incorporates the recommendations of the Land Use Plan for all of the platted subdivisions as listed above with the exception of the Schmidt's First Addition to Pleasant Prairie platted in 1924. In addition, the area south of 104<sup>th</sup> Street east of Sheridan Road modified the original Plan by incorporating a Government/Institutional land use. The Schmidt's First Addition is actually right down at the State Line. As you can see by the overhead and the slide the bulk of this area is now within conservancy or wetland designation, and the area that's on the very north end that's not in any conservancy designation has now been developed with a water storage reservoir and booster station for the Village of Pleasant Prairie. The undeveloped land within the Neighborhood proposed to be developed is located between 116<sup>th</sup> Street on the north and 128<sup>th</sup> Street on the south. The Chiwaukee Land Use Management Plan pretty much remains silent on this particular area. It just left it as rural open space designation. It did not identify it for preservation purposes because it was unknown with respect



to where the conservancy was located beyond the wetland area, but it didn't identify it for urban development either. It pretty much remained silent. So that's what brings us here today.

There are existing landowners that would like to develop their land, and it's located in a corridor which to the north had been traditionally an urban development corridor, but it's also in an area that's adjacent to and a part of the Chiwaukee Prairie.

The proposed Neighborhood Plan is shown on Exhibit A, and I'll go through the various land use designations.

As shown on the map, the areas in red are the commercial areas. Approximately 20.6 acres of land within the neighborhood is identified for commercial purposes. A Community Commercial area, 9.1 acres, is located at the 128<sup>th</sup> Street and Sheridan Road and a Neighborhood Commercial Area, 11.5 acres, is located at Sheridan Road adjacent to 116<sup>th</sup> Street pursuant to the Comprehensive Land Use Plan. So that takes into account the southern commercial area and the potential for a northern commercial area.

Access to STH 32, which is Sheridan Road, requires approval from the Wisconsin Department of Transportation and may likely require the approval of a Traffic Impact Study or a TIA. Additional comments regarding access to arterial roads will be explained later. In addition, this area includes a number of existing homes which would need to be acquired prior to commercial development of this area. So this particular area does have in the south end a few single family homes. We are not proposing that those homes we acquired this evening. What we're saying is that as part of the Land Use Management Plan the highest and best use at some point in the future would be commercial development for that particular area.

With respect to institutional areas, those are the areas that are identified in the blue color on the map. In the very north/northwest corner of the map, there are 15.6 acres of land that have been identified for institutional and governmental purposes. This includes the Village Reservoir and Booster Station at 104<sup>th</sup> Street and Sheridan Road and the Open Door Church of God located at 10927 Sheridan Road.

Under transportation and railway, this area is identified as a purple color. It runs north/south through the neighborhood. Approximately 21.2 acres of land within the neighborhood is identified for transportation/railway purposes, which includes the Union Pacific Railway.

The next land use category is residential area. Approximately 225.1 acres of land within the neighborhood are identified for residential purposes. There are 500 existing single family lots within the Neighborhood that are located in the subdivisions that were platted prior to 1956. Those particular lots are identified in this light brown color throughout the map. The Neighborhood Plan proposes an additional 134 single family units and 60 multi-family units in the area located between 116<sup>th</sup> and 128<sup>th</sup> Streets and between Sheridan Road and 128<sup>th</sup>. The single family has been identified in the yellow color, and then the dark orange is the multifamily or the condominium development that is being proposed. Specifically, the multifamily would be 15 four-unit condominium buildings that are proposed just along Sheridan Road.

The Village Comprehensive Plan recommends that the overall net density for the Neighborhood be within the Lower-Medium Residential land use category with the average lot per dwelling unit falling within the range of 12,000 square feet to 18,999 square feet per dwelling unit. This allows for areas of the neighborhood to have larger lots while some areas have smaller lots. However all new platted single family lots within the neighborhood are proposed to be a minimum of 15,000

square feet pursuant with 90 feet of road frontage. That would fall into the R-4 residential classification or about a third of an acre. The net density of the neighborhood based on this plan is 14,129 square feet per dwelling unit. This density is in compliance with the Village current Comprehensive Plan.

The next land use category is open space. This Neighborhood Plan identifies approximately 595 acres or 64 percent of the area within the neighborhood to remain as open space. This open space includes approximately 472 acres of floodplain and wetlands, 123 acres of other open space. As shown on the map, again, all the area that's in this light green are all the open space classifications, whether it's in floodplain, wetland or some type of open space preservations.

- C Floodplain Areas: The Neighborhood Plan identifies approximately 32.8 acres of land within the 100-year floodplain that is adjacent to Tobin Creek, an unnamed tributary to Lake Michigan adjacent at approximately 114<sup>th</sup> Street and an another unnamed tributary to Lake Michigan south of 122<sup>nd</sup> Street. The floodplain was identified in the aforementioned Land Use Plan. A number of homes and improvements may be located within the 100-year floodplain as shown on the Neighborhood Plan that were built prior to the location of the 100-year floodplain designation. Further development in the floodplain is restricted. In some instances property can be removed from the floodplain provided proper approval is obtained from the Village and several other agencies including the Wisconsin DNR and the Federal Emergency Management Agency. Any area removed from the floodplain through the placement of fill must be contiguous to land lying outside the floodplain. In addition, you have to create the same amount of volume to create additional floodplain storage for that particular area. The land that is removed from the floodplain must be filled to an elevation at least two feet above the elevation of the 100-year regional flood elevation.
  
- C Wetland Areas: The Neighborhood Plan identifies approximately 470 acres of land within wetlands. The wetlands shown on the Neighborhood Plan are based on the SEWRPC Wetland Inventory Map unless detailed wetland delineations have been completed. In particular, the area between 116<sup>th</sup> Street and 128<sup>th</sup>, all of these wetlands have been field delineated by SEWRPC and have been verified by the principal biologist from the Regional Planning Commission.

Under retention areas, the Neighborhood Plan indicates proposed retention facilities for any newly platted areas and a regional retention basin south of 104<sup>th</sup> Street and east of Sheridan Road. At the time that a Conceptual Plan is considered for the area between 116<sup>th</sup> and 128<sup>th</sup> Streets, the developer's engineer will be required to evaluate the development site in more detail based on actual field conditions and shall present a storm water management facility plan which meets the Village's and the DNR's requirements.

Access to Highway 32: The Neighborhood Plan indicates one new public road access to Sheridan Road which would be midway between 116<sup>th</sup> and 128<sup>th</sup>; and one private roadway access south of the Neighborhood Commercial Area to provide the required access for the proposed condominium development. There will be no direct driveway access for any residential development onto Sheridan Road. Commercial access on Sheridan Road will be reviewed on a case-by-case basis in accordance with the Village Ordinance requirements and any requirements for access as required by the Wisconsin Department of Transportation.

Under population projections for the neighborhood: The Neighborhood Plan is a guide for property owners and developers. Therefore the population will increase on an incremental basis as the neighborhood develops over time. Based on the 2000 Census information for the Village, the average number of persons per household is 2.73 persons per household and school age children between the ages of 5 and 19 make up 23 percent of the Village's population.

Current population within the neighborhood is approximately 1,365 persons, 500 dwelling units. The total number of school age children is estimated at 314 under the current population. The projected population based on this particular neighborhood plan, the number of school age children at full build out would be estimated at 436 school age children with a population of 1,895 persons.

The Village provides copies of proposed developments to the Kenosha Unified School District to assist in their planning. This information is always provided to the District in advance as part of our comprehensive planning, and as each neighborhood plan is advanced and reviewed by the community we bring that information to them. Typically, as we get through the development process, a neighborhood plan typically takes about a year or so to put together, and then it starts to go for public meetings and public information and questions and comments and oftentimes gets revised before it gets to a final version.

But once it gets to a final version, if there's a developer or landowner within the neighborhood that would like to develop their land, then they can move to the next step once the neighborhood plan is approved. The next step would be conceptual plan. The next steps after that would be preliminary and final platting during that entire process. Engineering plans need to be put together and detailed studies need to be done that can involve anything from marketing studies to transportation studies to evaluation of the storm water management, grading, drainage, a number of various studies to determine exactly if that property should develop and how that property should develop.

With that, the Village staff did hold the informational meeting this afternoon. We did receive a number of comments. There were actually some State and regional and local agencies that did submit letters for the record. They have concerns with respect to the impacts of these developments, at least the ones east of Sheridan Road to the tracks, how they will affect and impact the Chiwaukee Prairie, and so I'm sure many of them would like to make their comments known and make further presentations.

As you know, and Tom certainly you know, I think you sat on one of the original committees back in the 1980s, the Chiwaukee Prairie is of great significance to this community as well as Kenosha County, Southeast Wisconsin and the Upper Midwest because of its significance. So from the Village's planning standpoint, if there are concerns that would address problems or the jeopardy of the prairie, we would like to hear those comments and we would like to find out what that impact is going to have on the Chiwaukee Prairie before we proceed forward.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak? If so, we'd ask you step to the microphone and begin by giving us your name and address. Somebody has got to be first and I'm sure there's a whole bunch.

Patricia Stocking:

I am Patricia Stocking. I am a land protection specialist for the Nature Conservancy. My business address is 633 West Main Street in Madison, Wisconsin, 53703. I do have copies of my remarks. They're not verbatim what I'm going to say, but I would be happy to provide them to you after I make my remarks.

I'd just like to start by saying we really thank you for the opportunity to be here tonight and to explain our concerns regarding the amendments to the Carol Beach South Neighborhood Plan. Our concerns involve the relationship of this proposal to the long-term survival of the prairie, and we take these concerns very seriously.

The Nature Conservancy is an international land and water conservation organization that has protected more than 117,000 acres worldwide, including more than 15 million acres here in the U.S. since 1951. In Wisconsin we've protected more than 85,300 acres since 1960, and we've been actively working to protect Chiwaukee Prairie since 1965.

I'd like to begin my remarks by telling you something about the extraordinary nature of Chiwaukee Prairie and its national significance. Jean mentioned that it has regional and State significance, but it actually goes beyond that. Here in the Village of Pleasant Prairie you have a stretch of natural prairie so outstanding that it's been identified by the National Park Service as a national natural landmark. 10,000 years ago, during the retreat of the last glacier, a shrinking Lake Michigan created a series of alternating low, sandy ridges and shallow clay swales. These grew into a prairie landscape of very great diversity. The dry prairie ridges and the wet prairie swales provide a home for more than 400 plant species, 76 bird species, numerous reptiles and amphibians and many small mammals.

Many of the plants and animals at Chiwaukee Prairie are rare. Approximately 20 species are described by the State of Wisconsin as being of special concern, species whose populations appear to be declining in the State. Another eight species are listed as threatened, and seven more are listed as endangered. There's even a federally listed endangered orchid at Chiwaukee Prairie.

The natural prairie communities themselves are rare. Tall grass prairie and its related oak savannah today are the two most threatened plant communities in the Midwest and are among the most threatened in the world. Of the 2.1 million acres of presettlement prairie in Wisconsin, fewer than 2,000 acres, or approximately one-tenth of one percent remain, mostly in scattered remnants of 40 acres or less.

Chiwaukee Prairie with its more than 200 acres is the State's most outstanding remaining example. Chiwaukee Prairie is a designated and dedicated Wisconsin State natural area. In fact, in its species richness Chiwaukee Prairie is one of the most outstanding prairie examples. National natural landmarks are nationally significant sites designated by the Secretary of the Interior after in depth scientific study. The selection process is rigorous. To be considered for national natural landmark status, a site must be one of the best examples of a natural region's characteristic biota or geologic features.

Chiwaukee Prairie is also popular with the public. The Conservancy owns more than 50 preserves in Wisconsin, and Chiwaukee Prairie is the most heavily visited. It is used for scientific research, for teaching and for quiet recreation. School children and garden clubs, Scouts and bird watchers, hikers and strollers, families, neighbors, friends all visit Chiwaukee. The Village of Pleasant Prairie features Chiwaukee Prairie on its website calling it a natural treasure, and indeed

the Village has always been an important partner in protecting this treasure both for its residents and the wider community and we thank you for that.

I'm here tonight because the Conservancy has concerns with the proposed amendments to the neighborhood plan that you're considering. Our three principle concerns are as follows: The first one is the potential invasion of the prairie by exotic species from newly landscaped lots by new landowners in the proposed Elkshire Subdivision. This is the subdivision proposed for the area just west of the prairie. We would like to be assured that certain particularly invasive species that threaten the prairie would not be planted in the subdivision.

Our second concern is the possibility of objections being raised by future Elkshire homeowners to the smoke from prairie burns. Prescribed burning is essential to the health of the prairie, and we seek assurance that these burns will be allowed to continue.

And our third and most important concern is the loss of the groundwater supply that is the lifeblood of the prairie. We believe the first two concerns could be accommodated by language in any future plats for a subdivision of the area, and we'd be happy to suggest language to the Village planning staff at an appropriate later date. However, our immediate concern tonight is the probable effect of the proposed Elkshire Subdivision on Chiwaukee Prairie's water supply. It is our belief that if development in the southwest quadrant of the neighborhood plan, which is the part that Jean was pointing out as principally what's being changed, is the probable effect of that proposed development on Chiwaukee's water supply.

It is our belief that if development occurs there it will lower the water table to the point that the wet calcareous fens within Chiwaukee Prairie will disappear, and over time the prairie community itself will dry up. We base this conclusion in part of the results of the United States Geological Survey Study entitled U.S.G.S. Technical Memorandum, Summary of Findings Related to Groundwater Modeling for Chiwaukee Wetlands Project dated June 21, 2004. I believe that Jean has a copy of this, it Appendix C to a larger SEWRPC memorandum.

The U.S.G.S. study shows that the wetland groundwater capture zone for Chiwaukee Prairie and its fens runs right under the proposed placement of Elkshire. The study further shows that a development on this site will reduce the groundwater recharge in the area to zero inches per year resulting in a substantial drop in the water table. The Conservancy has been advised that just a half-foot drop in the water table will cause the fens to disappear and will begin to dry up most of the prairie wetlands. With this drop in groundwater level, the prairie will have to depend on the more limited surface water and precipitation sources. In the wetter years the prairie may do okay, but over time it will almost certainly dry up.

I have heard suggestions for proposed alternatives to what is shown there. I've heard two suggestions. One is either that the ground water capture area in this neighborhood plan in the southwest quadrant be maintained as open space with ownership or management transferred to a willing conservation organization. The second alternative is that the Village allow only clustered development within a conservation subdivision that maintains maximum open space. We frankly do not know whether a conservation subdivision can be designed for this area to adequately protect the groundwater supply to the prairie and its fens.

. . . question of wetland setbacks. It is our understanding that the current conceptual plan that I believe that proposers of Elkshire have ready to be presented tomorrow if this amendment is adopted tonight, that the current conceptual plan for Elkshire was designed to meet the Village's

requirement for a 25 foot setback from the wetlands. However, Wisconsin Administrative Code, Chapters NR 103 and NR 151 have a special provision requiring a 75 foot protective zone around, "wetlands in areas of special natural resource interest." The wetlands within the proposed Elkshire Subdivision easily qualify for this 75 foot protective zone, because they have a direct hydrologic connection to Chiwaukee Prairie and Lake Michigan. Chiwaukee Prairie is a State natural area containing calcareous fens and habitat used by State and federal threatened and endangered species. Those are just three of the requirements, possible ways that this would qualify as a special interest area.

We have a recommended action that we would respectfully like to recommend to you. Because the current conceptual plan for Elkshire was not designed to address the requirements of the 75 foot protective zone around the wetlands in areas of special natural resources interest, and as required by Wisconsin Administrative Code, and because the proposed development as currently designed poses a substantial threat to the existence of Chiwaukee Prairie, we respectfully request that the members of the Plan Commission not approve the current amendment to the plan but take it back for further consideration. Thank you very much.

Tom Terwall:

Thank you very much. Is there anybody else wishing to speak?

John Skalbeck:

My name is John Skalbeck. I live at 11212 86<sup>th</sup> Street in Pleasant Prairie. I'm also Assistant Professor of Geo Sciences at the University of Wisconsin-Parkside. I appreciate the opportunity to speak tonight about my role in a study that was conducted starting in April of 2004 regarding the wetlands in the Chiwaukee Prairie area. I have five copies of that report which I can leave for the Board members here. I apologize. I bought every one that SEWRPC had, so I don't have one for everybody.

What I'm going to talk to you about today are some of the results of our study which are documents in this SEWRPC memorandum report #142, and the Title of that is Identifying and Delineating Problem Wetlands in the Lake Michigan Basin Using an Integrated Approach. It's a case study of two seasonal wetland types that were identified in the Chiwaukee Prairie area. Participating members in this study were SEWRPC, which was the lead agency, the University of Wisconsin-Parkside, and the U.S. Geological Survey. I'm going to highlight a few of our findings from the report and basically use this as an opportunity to let you be aware that this report exists and to consider some of the findings that we discovered.

We start off by looking at our unique location in really the continent. We have the sub continental divide which comes very close to the coast of Lake Michigan right near Southeast Wisconsin, and that narrow band there is actually quite significant. What it means is that we have just a short span of land where waterfalls east of that sub continental divide will go to Lake Michigan. If it goes on the west side it will go to the Des Plaines River and not recharge the Lake Michigan basin.

Tom Terwall:

And ultimate it goes to New Orleans, right?

John Skalbeck:

That's right, yes. So we have a very narrow band here and so water resources in this area then become kind of a focused part of our attention. This slide shows the location of three different study locations that we looked at. Location number one here is the one that I'm going to focus on the most. It's the southern most location, and that corresponds to this area right in here

Within each location we studied two different wetland types that were based on the biology of the area. We put ground water monitoring wells in these sites to measure the water levels and document the water level fluctuations. We also looked at the biology in the soils and documented that. All three of these locations here are wetland area by the definition put forth by the Army Corps of Engineers' field manual.

So what I'm going to focus on is this southern area near site number 1. What I wanted to show on this slide here is we have tributary creeks, Winthrop Creek, Tobin, Barnes Creek, and in green here we have these calcareous fens, which are the wetland of concern. Just for reference purposes here is the railroad line that runs through. So the area of the proposed subdivisions is right here just west of the railroad lines and just west of this southern most fen, which happens to be the largest in the area.

On this slide we have two different views. This cross-sectional view is a slice, if you will, into the subsurface of the ground, which could be considered what you would look at if you were looking at sort of this gray area on this view, which is more of an aerial view that shows the topography of the area. This map here is made by digital elevation data that's available through the U.S. Geologic survey. What it shows quite nicely is you have this upland moraine area that's kind of hilly. And in that area you have mostly fine grained material. And just east of this bluff, which is shown here right where the railroad line follows through, is this beach deposit, beach plain area, which is where the wetlands occur.

What's significant about looking at this view is that any precipitation or rainfall that falls on this upland area wants to make its way to the lake. It wants to travel to the east, and it's going to go through the beach deposits, and essentially that water becomes a source of water for the wetlands in the beach. So what happens on the upland will have an effect on the lowland beach area.

One part of our study was documenting water levels in the wetlands area. We use these handy devices called level loggers, which collect water levels in a well at a specified period of time. In this case every half hour, so every half hour we would collect a water level in a monitoring well in the wetland since April of 2003, and we're continuing to collect that data as I speak. So we have a very rich set of water levels that we've collected in the three different locations.

Tom Terwall:

How far apart were those?

John Skalbeck:

Within each location the wells are just say 100 feet apart, and then locations are a couple miles apart. You saw that on that other map. And this is what one of these wells looks like. It's basically a metal standpipe. And the level logger you can see right here the data is being

downloaded into the computer, and then we take that back to the lab and we can make a graph of what the water level is within that monitoring well.

So the next slide I'm going to show you is data from these wells. Here is that data and I should explain it. Each of these charts we have the time that is along the bottom axis here, so this is April of 2003 and it goes all the way to November of 2004, so we have two growing seasons documented in our water levels. And then we have depth to water from ground surface. This green line is the ground surface, and this lower graph here is for location number one. That's the one that is adjacent to our proposed subdivision here.

What I want to point out on these graphs, for each of the graphs there's two different lines, a blue line and a red line which represent the two different wetland types based on the biology. One is a sedge meadow and the other is called a low prairie. And there's also some hand measurements that we take in a deeper well also. But what I want to point out is this root zone line here, which is 30 centimeters below ground surface or a foot. That's the regulatory depth for depth defining a wetlands. It's called the root zone. So if water is within the root zone for a specified period of time during the growing season then it passes the hydrology tests for wetlands. And you can see that in location one, two and three, in all these, the water level is within the root zone for a significant period of time. It qualifies as wetlands for the hydrology aspect.

So another aspect of our study was to develop a groundwater model. This groundwater model was constructed to use as a tool for planning. The particular model is called G-Flow 2000, and it is particularly good at interacting with surface water and ground water, which is the type of thing that's going on in this area.

I've put some bullet statements here. For any ground water flow model the key thing to remember is the model is a simplification of reality. You have to make assumptions in order to solve the mathematical equations, so you can't take into account every reality that's out there. This particular model was constructed for the entire area of the study, and so we have results that are based on that. But any site-specific model, if you were to test out a particular subdivision plan, you would likely want to do a further study and revise your model.

So I'm going to show two slides that are the key findings that at least relate to this issue here. You can read the report and you can see other findings that we had, but one of the findings is shown in this diagram here where these brown lines here represent the flow path of groundwater particles that feed this fen here shown in the location one area. So what it shows is that the proposed subdivision area is in an area where water feeds the fen. I think it's obvious to most folks who look that the upland area is going to move towards the lowland area, but the computer model shows that as well. That whatever you do upland of this fen will have some effect on that wetland area.

This diagram here is scenario number five. There were five different scenarios run for the model, and this one happens to be scenario number five. I'm not sure if that page number is correct or not, but figure 30. What it shows or what it was designed to do here was to mimic a development area along this strip shown in red. The assumption that's made, the simplification that's made in this scenario is that the recharge, which for the normal model would be two and a half inches per year, from the subdivision would be reduced to zero.

So what impact would that have on the wetlands if there's no longer recharging within this band of development? What the result is shown in these colored areas is that if the development



reduced recharge from two and a half inches a year to zero, that would have an effect of lowering the water table from a half to two feet in the wetland. So according to the model that would have a fairly significant impact if that recharge was cut off. That's all I have. Thank you.

Mike Pollocoff:

Mr. Chairman, is it okay if I could ask Mr. Skalbeck a couple questions?

Tom Terwall:

Please do.

Mike Pollocoff:

John, based on that model, the last slide, you've got the three sites where the groundwater table would be affected by development. Were you able to take any measurements in those areas where there is existing development upstream of the wetlands to control for the impact of the draw down?

John Skalbeck:

I'm trying to make sure I understand your question.

Mike Pollocoff:

Well, I could show it on my map, but in this area here you've got a substantive development in here, and then I thought I saw one of those fens might be this area in here. But, anyway, have you evaluated what the drawn down is on the water table in Unit 2 knowing that there was development over here to measure the accuracy of the model?

John Skalbeck:

I'm not certain the resolution of how he--Daniel Feinstein with the U.S.G.S. constructed the model. But what I do know is up to the north where there's dense development that area in the model was given zero recharge so that was accounted for. You certainly could block out this area and say there's zero recharge there and that's part of calibrating the model to the existing conditions that there are today. And then you just go from there and test out different scenarios.

Mike Pollocoff:

So did they test for calibration effect to see what the groundwater table was in this area in Unit 2, the area directly east, this highly developed area?

John Skalbeck:

Yes, that's part of the model.

Mike Pollocoff:

Okay, and that reflected a draw down of two feet under the model?

John Skalbeck:

No, that area is existing conditions, so that goes into calibrating the model to what we see today. So what these simulated runs do is model any change from what we're going to see from future changes.

Mike Pollocoff:

When I looked at the graph, I don't know if I was reading it right, on the first page where it's showing the area where it's going into the grade in the root zones, that was similar for all three areas?

John Skalbeck:

Right. So if you take a look at the three different locations they all have sort of similar patterns of when the water moves into the root zones, the rainy season, and when it moves out during the dry season. And in some cases it's above the grade so you would see water at the surface at that point. But what makes these wetlands fairly unique is that for much of the season the water is below grade so you're not certain that it's a wetland. It looks just like a regular prairie but, indeed, it's still in the root zone, so it qualifies as a wetland.

Mike Pollocoff:

So for a typical wetland determine that would be made, that SEWRPC would make, could that be detected I guess based on this information?

John Skalbeck:

One of the reasons for doing this study is a typical wetland delineation might wait until, say, August. Go out and survey the plants, survey the soil, it's a wetlands, it's a wetlands, dig a hole in the ground and there's no water in the root zone so it must not be a wetland. And what my collaborators wanted to demonstrate was when you go to look at where the water is very dependent on the growing season pattern, so you need to do it in the spring and in the fall. And if you monitor it throughout the entire growing season you will find that some of these areas are wetlands and they satisfy the Army Corps criteria. But if you go out and do it for a single day in August it's going to fail the hydrology test.

Mike Pollocoff:

Okay, thank you.

John Braig:

A question. You indicated that when an area is developed that the recharge goes to zero.

John Skalbeck:

Let me make sure I qualify. The assumption is, just for modeling purposes, to set it to zero. We don't really know until we measure.

John Braig:

My concern is what factors make you feel it goes to zero? Is it because the soil is disturbed and, in effect, you have foundations that function as a barrier for the flow? Or, is it because the water is captured and drained off of the area and channeled to a different water stream?

John Skalbeck:

The later is probably more likely. Impervious surfaces the water gets collected, drains somewhere else.

John Braig:

Would it be beneficial then to drain this water into the prairie?

John Skalbeck:

It possibly could be. The ideal situation is to infiltrate it to let it percolate where it falls.

John Braig:

Am I correct are we envisioning a clay subsoil which is going to cause the water then after it's perced down to flow toward the lake?

John Skalbeck:

Towards Lake Michigan, yes.

Tom Terwall:

Thank you. Is there anybody else wishing to speak?

Jim Anderson:

Good evening. I'm Jim Anderson with the Lake County Forest Reserve District, 32492 North Almand Road in Grays Lake, Illinois. And even though I'm from Illinois I'm a die hard depressed Packer fan. The Lake County Forest Preserve owns Spring Bluff Nature Preserve, which is off of all your maps but directly south of Chiwaukee Prairie. And, unfortunately, we were just made aware of this potential neighborhood plan last Friday. Our biggest concern tonight is we haven't had a chance to review any of the information that's being presented, and we would certainly like to have that opportunity before you consider taking any action on the neighborhood plan.

Like Chiwaukee Prairie, Spring Bluff is an Illinois dedicated nature preserve that has several endangered State listed species and potential habitat for two federally listed species. Our biggest concern has to deal with the hydrology as we've been talking about today. Most of the drainage area, specifically surface drainage, flows down, goes underneath the tracks and comes into Spring Bluff Nature Preserve. So we have a big concern about hydrology functions currently and how it would function with any potential project.

I think it would behoove us to think about trying to find out those answers before we approve a neighborhood plan. Is this neighborhood plan going to directly impact that hydrology? And before we start saying, yes, we can go ahead with this plan, I think it would be really nice to sort of take someone take a look at the current hydrology, how it's functioning, and then do some modeling with the proposed development densities that you're looking at tonight.

But we have a lot of other concerns just besides the hydrology. Any development entails land moving, and as soon as you start doing that, sedimentation comes off the landscape, and with us being down at the bottom of the watershed, so to speak, that sedimentation is going to come to us. Sedimentation is one of the worst enemies of native communities. Sediment moves in, it provides an opportunity for cattails, reed canary grass, purple loosestrife and common reeds to invade these natural communities. So we're highly concerned that this project has a well thought out erosion control and sediment control plan.

Additionally we would be concerned about water quality. Developments, people put homes on them, put grass on their front lawns, put fertilizers on their front line, and those eventually work their way down to Spring Bluff Nature Preserve. So we certainly would encourage some kind of restriction on any fertilizers being applied to the site.

Earlier someone mentioned the influence of water being dropped on these native communities. I don't know if you're aware of the Upper Des Plaines Wetland Demonstration Project. Donald Hay has done several studies on this, and they've shown that anywhere from two to six inches in the change of the hydrology can negatively impact these communities. And sedge meadows and wet prairie, as mentioned before, are some of the most unique communities in all the nation.

I don't want to go into most of what's been said already, but I think the key for the Lake County Forest Preserve is we have not had a chance to even get familiar with this project, the size of it, what's being proposed for it, and we would encourage you to delay any approval of the neighborhood plan until the Forest Preserve has an opportunity to review it. Thank you very much.

Tom Terwall:

Sir, do you have a business card?

Jim Anderson:

I certainly do.

Tom Terwall:

Would you please leave it.

Jim Anderson:

She already has one.

John Braig:

Question please. Your concern at one point addressed the flow of fertilizers from lawns. Is your concern all fertilizers or is it phosphates?

Jim Anderson:

It would be all fertilizers. Just as there's agricultural production going on right now, we're highly concerned with that. In Lake County we have instituted buffers around all of our wetlands and on our lands that we own that we put into agricultural production, so we're concerned about both. Right now there doesn't seem to be a major problem with the influence of the water coming into this site, and that's probably because there are sort of naturally occurring buffer areas. And I did want to make the point that where this water is coming in happens to be where our grade AA, which is the highest quality, communities are located. They're on the northwest corner of the preserve right where this surface water is coming in.

Tom Terwall:

One question for you, sir. Does your nature conservancy area go all the way from the lake to Sheridan Road, or is it everything east of the tracks?

Jim Anderson:

Ours goes to the tracks. And then there's North Point Marina that keeps us from going all the way out to the lakefront.

Tom Terwall:

Thank you. Is there anybody else wishing to speak?

Gus Hauser:

My name is Gustoff Hauser, and I reside at 143 113<sup>th</sup> Street in Carol Beach. I would like to voice great concerns about the project as it is presented. Back in 1985 in Land Use plan, in '88, that area was designated or set aside as an area you don't want to build residentially. If it would have been feasible or better to use it for residential, it would have been already declared at that time. That area, just to give you a little bit of a background, the water level from the ground to the groundwater table throughout the whole area is only between zero and three feet exception for the portions right on the western side of the unit. So you're talking about marginal land at the best.

Is it really worth to jeopardize the Chiwaukee Prairie and its plant community to build some more houses that can be built safer and better into areas that would not affect one of the nation's, I should say nation because that's what it is, jewels? Pleasant Prairie is so proud of having the Chiwaukee Prairie. Why do you want to jeopardize the Chiwaukee Prairie just for one more residential unit? It would cost us more money. Residential units, you say it yourself, Tom, so many times over and over, residential units do not pay the cost. Is it worth to jeopardize the Chiwaukee Prairie so somebody can make a few dollars and . . . with the problem again?

Just think what it takes, what the impact for our planned community from the Chiwaukee Prairie is. I belong to the Chiwaukee Prairie Preservation Fund. We work hard and long to preserve it. We spent countless hours, countless dollars, just to preserve it. As soon as you start messing around with the water table think of all the plant community that you are impacting. There's a very small plant in the whole Chiwaukee Prairie that really shows a spectacular variety of plants, and that is the zone between the . . . and you're talking about maybe only maybe a foot difference. Look at what we've got.

Have you been to Chiwaukee Prairie lately? It's spectacular, especially after that year we had the burn. We had two big and successful burns in the Chiwaukee Prairie. The plant community responded spectacular. But one thing that did not really respond as we hoped for is the prairie French orchid. We have one federally endangered species, the wild French prairie orchid. We make a count and go through the whole Chiwaukee Prairie. That year we found a total of 12 live French orchids in the Chiwaukee Prairie on the south unit. On the north unit on the DNR land we found 15 or so. So we know something affects the plant communities and the endangered species very much. What is it? Most likely it's the difference in the water level. And as soon as you start messing around with the unit that we don't really need, why do it?

I really would appreciate if you go back with this proposal, think of it again. Back in 1985 it was nothing worthwhile to have residential units in that area. Please consider it. Thank you very much.

Tom Terwall:

Thank you. Is there anybody else? Yes, sir?

Sheldon Epstein:

. . . of Wisconsin, one of the property owners. My address is Post Office Box 400, in Wilmette, Illinois. Back in 1960 we purchased property that basically is in this area, and at the time we purchased that property I had an aerial photograph purchased, and I can tell you that all of this land that is under discussion now was farmed. And certainly our portion has been farmed as long as we've owned it, so that's 45 years. All of this property in here was farmed. It was fertilized, it was sown, it was reaped, and one evidence of the fact that we've been good neighbors is the fact that the prairie flourishes.

The other people who have spoken here this afternoon are proud of the prairie. We're proud of the prairie. When Wisconsin Electric proposed to put a 345,000 volt power line along the railroad tracks back in the '70s, the Town did not object. Other property owners were very eager to sell their right of way. Big-I Development Corporation, under threat of condemnation, took on Wisconsin Electric, and we preserved the prairie against aerial spraying from helicopters from defoliant. So when it comes to talking about environmental credentials I'm certainly proud of mine and the corporation is proud of its.

Now, we've had an opportunity to talk with Patricia Stocking, and she and I had a conversation that I summarized in an e-mail message that I sent to her, and copy was sent to Jean Werbie, a copy was sent to Peggy Herrick, and it probably is in your packets. If it isn't, we'll provide it. At the time of our conversation, Ms. Stocking told me that she had three concerns. She repeated them tonight in this order, exotic species. I said we are very sympathetic to that. I would

certainly consider putting something in the covenants. I'd need some professional guidance from the Nature Conservancy. If you'll provide us with draft language we'll certainly consider it.

On further reflection, I think it's a Village issue and the Village has to have a policy regarding invasive species, and we would be happy to look to the Village for guidance. We have no objection to doing it, but I think it's bigger than Big-I and the other property owners in Elkshire.

The smoke problem is not a major problem. I have to tell you in all the time I've been dealing in real estate, and that's over 40 years, nobody has ever asked me for a smoke easement. I don't see any problem with doing something that meets the requirements of the Village and the Fire Marshal. Again, if we have proposed language we'll certainly consider it. I see no problem with that.

Now we come to the issue of rainwater, ground water. And I've had an opportunity to talk with Ms. Stocking. I've also had an opportunity to listen to Mr. Skalbeck, though I wish he would provide his data to us, because we do have geographic information system software available. We do use it. We have used it in providing information to the Village. We have worked with Rich Robinson. I also have had an opportunity to talk with Jim Anderson, and we have a conversation this morning that dealt with the subject of groundwater and other material. I also sent an e-mail message to him, which he received and answered to me, and I believe you have at least my e-mail message in your packets or you should have or we can provide that.

Basically from our point of view Mr. Skalbeck and Ms. Stocking on the one hand and Mr. Anderson on the other are fighting over the same groundwater. There are some folks here who believe that the groundwater should go from our properties into Chiwaukee Prairie, and there are some people who believe our groundwater should go into Spring Grove. In fact, it probably does a little bit of both, but what you have not seen tonight in which Mr. Karl Kupfer, who is our Civil Engineer, will speak to is that the data provided by Mr. Skalbeck is not complete nor is it an accurate description of the moraine profile that exists on our property. So what I would like to do is just address a few more points before turning it over to Karl.

To Mr. Hauser I would say that we do not mess around. I believe from your business card you're an engineer. I am engineer. We don't mess around. We are willing to cooperate on all of the issues that have been raised. We've asked Ms. Stocking for a copy of her presentation. We did not get it. We tried to get a copy of the report from SEWRPC, and I called this afternoon and was told that somebody bought out all the copies. Since you have one of them may I please have a copy so we can scan it.

I'd like to introduce some of the other property owners in Elkshire. All four companies joined together to put together our recommendations for a comprehensive plan. Mark Bourque you well know. He's been a real estate developer in the Kenosha area for many years. BMW Land, Inc., is the company that he represents. Andrew Kirsch represents Country Builders and Developers, and Lakeview Homes. He is Vice President of both companies. So you have four companies coming together that put together a recommendation for the planners and the community development department to consider. They didn't adopt everything we recommended. We certainly went ahead and went the extra mile to work with Jean Werbie and Peggy Herrick. We were very pleased with their professional approach. We made a lot of progress in a very short period of time.

So in closing my remarks I've asked, respectfully, that you review all the information and approve the concept plan as presented by the community development department. Now I'd like to introduce Karl Kupfer of IG Consulting in Wheeling.

Karl Kupfer:

Good evening members of the Commission, staff and public. My name is Karl Kupfer. I'm President of IG Consulting. We are a civil engineering and land planning firm located in Wheeling, Illinois. We were retained by the developers, the owners of the properties, approximately a year and a half ago. And during this time we've had an opportunity to study this property in significant depth and detail. We had conducted extensive soil testing throughout the site. We're familiar with the soil profile from the surface of the ground to at least 15 feet in depth. We understand how this moraine profiles, how the profile exists through our property and several transects beginning at the north and working on down toward the State Line.

The site is essentially glacial till with a substantial clay layer. It is our opinion that most of the water that collects is trapped by this clay layer and drains into surface waterways, some of which were channels excavated by farmers over the years, some drain tile, and much of this water drains off the site to the south. There undoubtedly also is some infiltration into the groundwater albeit slowly.

So the plan that is before you, this concept, the neighborhood plan includes our input with respect to storm water management of the property. We are familiar with the ordinances of the Village. We're required to provide storm water detention, but I would like to say here that I think we're in a unique position to be able to help if, in fact, there is ground water that enters or percolates into the soil and works its way across. There's no surface drainage, mind you, across the railroad. This is a railroad ditch and there are no culverts that cross, so there's really no surface flow that enters the Chiwaukee Prairie from our property.

But we have an ability here to design the storm water detention basins to recharge or to infiltrate, percolate surface waters that are collected into the soil. In fact, we can provide probably more than presently would drain that way. The rest of it can drain down the waterways and head on down crossing the State line.

We're prepared to work with the Village staff and with the agencies that have review and authority over this development. And I think this can work out for the benefit of everyone if only there's an open mind and we have the ability to do that. I'll not get into further detail because I know this is really just a neighborhood plan for your review. But I'm available for additional questioning.

Tom Terwall:

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

Joanne Rohan:

My name is Joanne Rohan, and I live in Racine, Wisconsin, 1612 South Main Street, and I am the President of the Chiwaukee Prairie Preservation Fund. So you can kind of get the drift of my point of view.



Tom Terwall:

You've appeared before us many times.

Joanne Rohan:

I think I have, yes. Approximately 80 years ago I went on a short excursion with my father and his friend, Mr. Logenecker who was our superintendent of schools in Racine. We went to southern Kenosha County on the shores of Lake Michigan. We stood on the hill near the railroad tracks and we looked out over a field of flowers. And Mr. Logenecker said this place ought to be saved. My father agreed wholeheartedly. He had told me so many times in the past of the fields in Racine County that were full of flowers when he was a little boy. None of those are left.

That place that we visited was, of course, Chiwaukee Prairie. I just wish that these gentlemen could know the Chiwaukee Prairie Preservation Fund, of which I am the President, is presently doing all in its power to save Chiwaukee Prairie. I also wish that they knew and that we also knew that the zoning and development commission would approve no less than a 75 foot setback from the wetland in the present proposed development and so protect Chiwaukee Prairie's all important water source.

The ground water is so necessary to the very existence of this whole invaluable prairie. Its life blood we might say. We have, with help from the Nature Conservancy and our other friends, been working since 1965 to preserve the prairie. We have collectively raised \$1,162,400 and have purchased 275 acres of prairie land in Chiwaukee south with about 25 acres left to go. We don't want this sizeable investment lost because the Prairie has dried up for lack of water. If development is the only possible path to follow, then first and foremost please let it be a conservation plan for the development.

Donna Peterson:

Donna Peterson, 810 Sycamore in Racine. I've been here before. I was here in 1995 protecting one of our fens, one of the northern fens which, if you look on the map, that large blue spot--in 1995 I came to talk about a fen up at the north end. Today I'm here to talk about a fen in the south end of the prairie. Our beautiful fen is right here in this area. If this is a representation of the retaining pond that is supposed to feed that fen it's not big enough. It's not going to work. Our fen is much bigger than that in this area right here.

I wanted to talk to you about our fen because the fens are so unique. Thank you for this opportunity to speak about a subject that I hope will be of interest to you. It's about one of the three calcareous fens that are found at Chiwaukee Prairie. Calcareous fens are a rare and interesting phenomenon. According to Don Reid at SEWRPC, there are 156 of them in the world. Wisconsin has 27 fens and three of them are at Chiwaukee. One of the three is directly east of this planned development and is in danger of losing its ground water because of this development.

Chiwaukee Prairie lies on top of the Niagara escarpment, which, as you know, is a layer of thick limestone laid down millions of years ago and compressed several times by glaciers. A calcareous fen occurs when ground water passes over subsurface limestone. Lime deposits are carried to the surface by the water where a spring or seepage bubbles up. Interesting and unique

plans thrive at these locations greatly adding variety and value to the prairie. This is the heart of our value.

In the past, this rare place has required exceptional measures to protect it. Please continue your ability to provide this help by doing everything you can to protect this fen and its source of ground water. Please require a 75 foot setback and a conservation development plan. Thank you.

Tom Terwall:

Thank you.

Dawn Feldman Brown:

My name is Dawn Feldman Brown. I live at 10169 Lakeshore Drive. I came here to Pleasant Prairie about 20 years ago. I was excited to live by Lake Michigan. After living here a while I discovered Chiwaukee Prairie, the biggest prairie left in Wisconsin. I love to sit on the prairie and read and think of the times when the pioneers traveled and roamed the prairies. What a responsibility I thought that we have to preserve this land that once covered a vast amount of Wisconsin. The neighbors that I talk about didn't move up here because of the great roads or the great police department, etc., but because of the lake, the prairie, wildlife and nature that surrounds all around them.

I have a nature club for families in our area, and many of them are being introduced to the prairie for the first time. You should see their eyes when they experience the prairie. Each week we study something new. The prairie has such a wealth of information to teach us.

My concern is the impact housing is going to make on our prairie that is our town's treasure. We need a conservation development, not this plan. We need the families in the new housing development to plant native plants in part of the land so we don't change the water table in the prairie. Each house will have an impact on the water table. Without water in the prairie the prairie will change into a meadow prairie. We will lose a lot of our endangered flowers. Houses will also change the quietness and ambiance of the prairie. Pesticides and herbicides will run into the ground water. Our town should be saving and treasuring the biggest prairie left in Wisconsin.

Tom Terwall:

Thank you. Anybody else?

Marty Johnson:

Good evening. Thanks for the opportunity to speak before you. My name is Marty Johnson. I'm the wildlife biologist for the area and also the property manager for Chiwaukee Prairie. We've heard a lot of good information about the prairie and the importance of it. I'm not going to go over that information. There are just a couple points that I wanted to make.

As a property, Chiwaukee Prairie is divided basically into two parts. It's divided by 116<sup>th</sup>. The DNR manages the north end and the Nature Conservancy manages the south end which is being considered into the development proposal tonight. Just a quick comparison between the two. Obviously, on the north side we have a lot of development in there. There have been a lot of impacts to the prairie. We consider that whole prairie intact it's very diverse as you've heard,

over 400 plant species, and we do have that diversity on the north side. What we don't have on the north side that we have on the south side is a contiguous block of habitat, an area that's untouched basically by development or any other impacts.

If you go through the north end we've got issues with homes, trash and things of that nature. We also have the impacts from past dredging and things on the upper watershed. And so what you've heard tonight on the south end we don't have those impacts and so it's important that we preserve that. As a result, the southern end does have the majority of the threatened and endangered species. Just because it's a contiguous block it has the habitat that's best intact compared to the north end making that more valuable and important to preserve.

Now, you've heard options on how to proceed on this. The Department echoes the same options looking at, obviously, number one open space would be the best option. If that's not possible, then a cluster development could be used. And then the third option as planned but using the 75 foot setbacks as a tool to lessen the impacts to the wetlands.

However, we'd also like to interject that there has been groundwork put in terms of groundwater studies done, and we would encourage that the Commission and the Village consider that before making any decisions in further approving this plan. Thanks.

Tom Terwall:

Thank you. Anybody else?

Marsha Wensing:

I'm Marsha Wensing and I'm a resident of Caledonia, 5704 Holy Cross Road, Racine, Wisconsin, 53402. I am the Stewardship Chair for the Chiwaukee Prairie Preservation Fund. I would like to tell you a little bit about the work that we do down there. I know that you recognize the gem status that that particular prairie has, not only on a local level and on a State level, but in addition nationally.

We have many volunteers that show up and do work on the prairie, and I would just you to know about the human effect. We have people that come on a regular basis as far away as Cedarburg and Menominee Falls who come every month to help preserve your wonderful gem, and that is the commitment that exists in the people who believe in Chiwaukee Prairie. We have students who come--you know that there are studies that have been done through Parkside. We have students from Carthage, from Gateway. We have the Kenosha Unified School District. We even had a group come from the College of Lake Forest who came to enjoy our prairie. They were actually a literary class. Literary students came to experience nature on a one-to-one basis and relate that to their learning goals for that particular class. And we've even had a volunteer from as far away as California who was here on winter break. So we're proud to say that.

I would also like to emphasize the biodiversity that does exist at the prairie. I have heard in terms of plant species that one-third of the plant species that exist in Wisconsin can be found at Chiwaukee. And the beauty of that is you can learn about such a wide swath of plants in a very small area, so it makes it a wonderful outdoor learning lab. And the reason that that exists is because of the water. With this swell and swale topography, those low areas can collect water, and because the ground water is in some areas very shallow, it will support the water loving plants, but on those higher ridges that are very sandy and then become well drained, you have the

unique vegetation that you would actually find on what are called goat prairies that exist on the bluffs of the Mississippi out near Lacrosse. So all of those plants can be studied in one location, which is absolutely marvelous.

And, of course, this eastern fringe prairie orchid that you've heard about, I have done some of the monitoring, and I do know that although we don't know the long-term effects and some of the evidence might be anecdotal as opposed to based on scientific documentation, but we all know we're in a drought period. We've been getting drier and drier. I've heard the numbers go from finding 80 in a year down to maybe only finding one or two in any given area in a particular area over the course of time. So I think it may indicate that some of the activities of mother nature and humans are having a negative impact on something that in the end could be a very serious tragedy for us to lose some of these endangered species.

So, again, I would ask you to consider doing some of the things that would help create buffer zones and retain water on the prairie, and some of those things it's been mentioned about conservation subdivisions. In Caledonia I served on our neighborhood planning and learned about our form of conservation subdivision. We actually require in a sewered and water service area that 40 percent of any new subdivision be maintained in open space. Not 65 across a very large neighborhood which is wonderful that that exists, but I think even on a subdivision scale, and I did ask Jean earlier today what that percentage might be and I don't know that we had those numbers, but I would ask you to keep that number fairly high and maybe go from the density that is kind of in the middle, if you could move as much as possible to the lowest density that you can achieve in this area and provide more buffer space you could do something to help.

With housing you are going to have pesticides. I'm a commercial landscaper so I can talk a little bit about this. I'm on one side of the fence and on this side I'm on another, but with proper use of pesticides, herbicides controlling weeds, insecticides with insects and fungicides for diseases, if there's something that can be done to minimize the impact, and that could be done by reducing the number of residential units, by doing things like creating either buffers or things like somebody talked about the porosity, like trying to create more areas within a parcel to absorb the water so that it can naturally percolate and cleanse itself as much as is possible with the use of pesticides, but not to divert it off and channel it away. Try to keep it on the site and allow it to naturally clean itself.

Things like rain gardens, I think you're working with those here in Pleasant Prairie. Encourage those. Maybe look at your weed ordinance so that if somebody has prairie plants that reach I understand a 12 inch height you could fall under a weed ordinance for control. Maybe allow people to have natural prairies or prairie stands existing on their land so that we can have natural filtration. Using rain barrels so people can catch the rainfall off of their roofs and reutilize on their own site.

So I think there are a number of things that you could do. I understand that at some point the pressures of development are going to, if nothing else, force your hand in some cases, but I think there are many things that could be done to mitigate and reduce the impacts. I guess I would encourage you to proceed with as much caution as possible because this is a very precious resource, and I do believe that there might be some alternatives that should be considered. This current plan, if it were sent back to the drawing board, might actually be of great advantage to the prairie as well as the citizens of Pleasant Prairie, our State and the world. Thank you very much.

Tom Terwall:

Thank you. Is there anybody else?

Marty Johnson:

Marty Johnson, DNR, 9531 Rayne Road, Sturtevant, Wisconsin. Just one other point I wanted to point out. The issues between the Illinois DNR or the Illinois portion of the prairie and the TNC DNR are two different issues. We talk about ground water on our end of things versus a surface water problem down in there. So there are two different issues and two different impacts with the development going on here. And then just to reiterate, as you've heard, using the information that we have as well as trying to further the studies to figure out whatever is planned out there how it will impact the prairie.

Tom Terwall:

Thank you. Anybody else?

Jean Werbie:

The staff received two letters that were requested to read into the record. The first one is dated September 9, 2005. It's regarding the Carol Beach South Neighborhood Plan. It's SEWRPC CA Number 106373 and it's addressed to me. It's from Philip Evenson who is the Executive Director for the Regional Planning Commission. The Commission has received a notice dated September 1, 2005 concerning the above-captioned matter. Please be advised the following Commission staff findings and recommendations relative thereto.

Number one, the area of the subject neighborhood plan is recommended for residential, commercial and open space land uses in SEWRPC Community Assistance Planning Report Number 212, a comprehensive plan for the Kenosha urban planning district. In addition, the subject plan proposes new urban development which is located within a planned sanitary sewer service area as delineated in the December 2001 amendment to the SEWRPC Community Assistance Planning Report Number 106, sanitary sewer service area for the City of Kenosha and environs. Accordingly, preparation and adoption of the neighborhood plan is in order and should be encouraged.

Number two, the subject plan is properly designed to essentially preserve all of the environmental corridors and isolated natural areas, as well as other scattered wetlands located within the planning area. However, it will be necessary to obtain State and federal permits if any wetlands are to be filled and to accommodate a number of proposed road crossings.

Number three, a portion of the neighborhood planning area lying south of 116<sup>th</sup> Street has recently been identified as a groundwater capture zone for wetlands as shown on pages 66 of SEWRPC's Planning Memorandum Report Number 142, identifying and delineating problem wetlands in the Lake Michigan basin using an integrated approach, a case study of two seasonal wetlands types, 2004. The preparation of this document was a joint effort by SEWRPC, the Wisconsin Department of Natural Resources, the Wisconsin Coastal Management Program, and the United States Geological Survey.

Groundwater capture zones are those recharge areas where the groundwater flowing toward Lake Michigan ultimately intersects wetlands. In this case, the wetland consists of a set of calcareous fens, a nationally rare wetland type. To preserve the long-term health of the wetlands located in these zones, it is desirable to maintain open space uses thereby avoiding the disruption of groundwater recharge and flow. In this respect it is our understanding that the Nature Conservancy has expressed an interest in acquiring and protecting additional lands to help preserve the wetland ecosystems in this area. We would encourage such acquisition and preservation of the groundwater capture zone in question. If the Nature Conservancy is unable to acquire and preserve a portion of existing open space land in this area, the Commission staff would suggest that consideration be given to redesigning the development plan for the area south of 116<sup>th</sup> Street between the Union Pacific . . . .

(Skip in Recording)

Mike Pollocoff:

. . . sanitary sewer and water have been installed, again, in accordance with the Chiwaukee Prairie Plan, reviewed by the Department of Natural Resources, reviewed by the Southeast Wisconsin Regional Plan Commission and approved based on the fact of the Chiwaukee Prairie Plan. Now we have people saying you shouldn't develop that area, but when the same agencies are reviewing the plans and saying these sewer lines should go in and we approved the design for them. So at some point, I've said this before, I honestly feel like the only people that are living up to this whole plan has been the Village and not the agencies on either side, whether it's the conservation groups or the state agencies or developers who are trying to get as much as they can out of it.

From a general municipal purpose, there are some issues whether or not with the 75 foot setback this layout here can proceed. I think there's some valid questions to that. So on the other hand I think that there's some ways that this development could proceed with modifications. I take issue with the Regional Plan Commission's recommendation where they encourage acquisition and preservation of the groundwater capture zone. They question if not then we need to preserve it. I think that runs exactly against what the Chiwaukee Prairie plan called for. Because at that point what we're doing is we're saying if an agency can't buy it then regulate it to the extent that the property owner can't do anything with it. I think that's a taking. I think that's illegal and I don't feel that's fair play with what the land use plan called for.

If we like it or not there's certain areas in here where Kenosha County, SEWRPC, the DNR everybody signed up and said, okay, we're going to adopt this plan and live up to it. Sometimes we don't get what we want and sometimes other people don't get what they want. But I think there is urban development that can happen in this area, maybe not on the full scale that everybody wants, but I think we have to recognize that that's a right of the property owner, and there's new information that exists today, Dr. Skalbeck's information, other things that we didn't have when we prepared the plan that should be reviewed.

One of the things I'd requested, because these things can get circular in how you approach them, is if there's information from the developer as to what they want to achieve, and the Nature Conservancy says that they were willing to participate in the evaluation of the study, and if Parkside would like to be involved in this I think it would be good. What we need is a process whereby everybody recognizes that there's some level of development that is permitted in this area, and if the Nature Conservancy will assist the developer not just in looking at it and waiting

to see something they like, but assist the developer in coming up with a development plan or process that's going to help them accomplish their goals and help the developer accomplish his goals, if we can get those two working together the Village would review it as would SEWRPC and the DNR as the actual plans come forward, and that way everybody's interest can be addressed going into it rather than picking back and forth.

We've done this on a number of developments where a developer brings in a proposal and the conservancy groups say no. He modifies it and brings it back in and the conservancy groups say no. He modifies it and brings it back in. I don't know that anybody's interests are served especially this is an area where everybody, like it or not, the respective organizations have signed on the line that there is going to be some level of development here and there's going to be some significant level of conservation in here. If we can cut to the quick and get the best conservancy groups involved, and I have nothing but respect for the Nature Conservancy. They've done an excellent job in the Chiwaukee Prairie, let alone other areas, and I think they can provide a lot of insight to the developer's engineer on things to do, get that thing worked out and get it approved by SEWRPC and DNR.

I just remind SEWRPC and DNR that you signed onto this plan. You signed onto the plans for us to bring the utilities in that area. We're fulfilling our end of the utility plan and everything else, so it can't be all or nothing. Everybody has got to hold up their end on this. Otherwise, the people who are here for this meeting are going to keep coming back and it's not going to get resolved. They need some certainty as to what's going to happen and what's going to proceed rather than constant review. I think that's the framework or the color of the Chiwaukee Prairie Plan that needs to be kind of a constant reminder because the plan is sold old. And as we look at it, it's not an all or nothing deal.

Tom Terwall:

Thanks, Mike. I concur with everything you said. Wayne and I sat on that panel. How long did it last, three years, starting back in '81, and I think you're absolutely right. We're the only group that has abided by what was finally a compromise. Nobody walked away from that table happy, but everybody walked away from that table and got something.

Two things tonight. Number one was the engineer for the developer saying he was more than willing to work with us, the developer himself saying he had no problem with the regulations that the Conservancy was asking be put in. I think that's key. I also think it's key to remember what Phil Evenson said in his letter that the cooperative agreement provides for development in that area. Development is going to occur in that area, and speaking only for myself and not for the rest of the Commission, I'm not ready to put a gun to the developer's head and say you have to reduce the density. I'm not so sure that the density is a problem. I would support, however, seeing more of a clustered approach with more open space in larger areas in order to provide for the flow of groundwater.

I sat here listening and I'm thinking to myself we've got areas in Carol Beach where the people are saying I don't want any more development down here because you're flooding us out, and now we've got people telling us tonight we don't want any development because we need the water. They can't both be right I don't think. Either development helps the groundwater or development hurts the groundwater, but it's hard for me to understand how in the same area within ten blocks of each other the opposite can be true. I guess I'm not an engineer.

John Braig:

I don't want to nip anything in the bud, but I suspect that we're not going to approve this tonight as it appears, which means we're going to hold another meeting sometime in the future to discuss a revision to this plan, in which case I would move that the plan be returned to staff for review and revision taking into consideration the discussion as it's taken place so far.

Jim Bandura:

I'll second that motion but with a few comments. My fear is I think the Village is going to be-- what Mike Pollocoff said it's a good idea to try and get everybody on one page, and the Commission here I believe agrees with it. My fear is we don't have the manpower to oversee everybody getting together. I guess my thoughts would be to Mike is how would you do that?

John Braig:

I get your point, yes. Do you have a comment, Mike?

Tom Terwall:

Do you see us chairing this thing, Mike?

Mike Pollocoff:

We could chair it, but I'm taking Trish up on her offer of the Conservancy to participate in active evaluation of the proposals. I think there has to be--

Jim Bandura:

I agree.

Mike Pollocoff:

If they can help us and the developer identify the criteria and if they've got some other resources they want to get in to help them do that, I think that's fine. But I think the developer and the community needs some guidance to what the parameters are and what can be done within reason to facilitate this development, whether it's some extensive rain gardens or whatever it's going to take, rather than a process where the developer cranks out a plan, review it, reject it. That doesn't help anybody.

John Braig:

Would Parkside have the resources to participate in this . . .

--:

Perhaps.



Tom Terwall:

My preference would be that Jean chair it, though.

Mike Pollocoff:

Jean would be an excellent chair for it.

Tom Terwall:

That's the only way to control it. And, Jean, I would also ask that we make sure that Lake County is included in whatever happens.

Patricia Stocking:

Mike is kind of rewriting my testimony. I think I offered, I said that we would be willing to discuss these other two options and participate in the discussion. I was not offering engineering studies and engineering expertise. We have to see how this develops, and we are willing to cooperate and to talk openly on this, but I was not offering technical engineering studies. I am not a hydrologist. Thank you.

Jim Bandura:

Just a quick one then. If everybody is willing to--if you can I guess talk to Jean after the meeting or before we take a quick recess, give Jean all the information so we can put something together. I think that would be a good idea.

Sheldon Epstein:

It is rare that I can reach Jean on the phone on the first shot. She's a very busy professional and she's got a lot of things on her mind.

John Braig:

You're not alone.

Sheldon Epstein:

All of us have access to the internet. All of us can put together databases. We certainly can take it in . . . format or however you want to get it to us. And I think that Dr. Skalbeck, who I've never met before, but I'm certainly willing to come up to Parkside. And those of you who want to be involved with us and give us your input you've got my e-mail address or I'll give it to you, and let's get the databases up. Let's solve the problem, then we can take it to the Village and have Ms. Werbie look at it. I don't think we need to have Jean being proactive on this. She's got enough on her plate. We can do that by ourselves. Thank you.

John Braig:

I wonder if I should withdraw my motion removing the stricture or the suggestion that the staff follow up on it and say that the Commission will just await a revised proposal from the developer.

Jim Bandura:

I'll second that.

Tom Terwall:

Just one further question of the Plan Commission members before I put it to a vote. I think we owe it to the developer as individuals to let him know one way or another do we support development in this area or do we feel that this is an area that needs to be conserved even though that violates the cooperative agreement. If there's anybody who's opposed to development please say so now, because I think the developer has a right to know that. That's not the case. **SO THE MOTION BY JOHN BRAIG AND THE SECOND BY JIM BANDURA THEN IS TO TABLE THIS ITEM, SEND IT BACK TO THE STAFF FOR FURTHER REVIEW TAKING INTO ACCOUNT THE TESTIMONY THAT WAS RECEIVED TONIGHT, AS WELL AS THE 75 FOOT SETBACK FROM THE WATERWAYS AND BRING IT BACK AT THE EARLIEST POSSIBLE DATE. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you.

John Braig:

Move for a five minute recess.

(Recess)

Tom Terwall:

. . . that the timing is urgent here. Thank you very much. We want to make sure this is addressed as quickly as possible. We owe that to the developer and we owe that to ourselves.

Sheldon Epstein:

Mr. Terwall, the reason I suggested that Jean not chair this meeting is because first of all we don't want to overload her. She's got enough. Second of all, we believe it would be faster for us to accomplish the goals you've identified if we chaired it amongst ourselves.

Tom Terwall:

We'll take whatever work you can get done for us. Thank you.

**B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS for the request of Mike McGuire of PPC Industries, lessee, on behalf of the Orbis Corporation, property owner, to allow the warehousing of plastic products and the storage of dormant manufacturing equipment within 25,000 square feet (33%) of the vacant Orbis building located at 10001 78<sup>th</sup> Avenue in the LakeView Corporate Park.**

Jean Werbie:

This is a matter for public hearing and it's a conditional use. As a part of the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below:

Findings of Fact

1. Mike McGuire of PPC Industries, Inc., lessee, on behalf of the Orbis Corporation, property owner, to allow the warehousing of plastic products and the storage of dormant manufacturing equipment within 25,000 square feet or 33 percent of the vacant Orbis building located at 10001 78<sup>th</sup> Avenue in the LakeView Corporate Park. The property is identified as Tax Parcel Number 92-4-122-214-0110. It's provided as Exhibits 1 and 2.
2. According to Randall Phelps of the Orbis Corporation, on April 1 2005 Orbis, formerly known as Nucon, ceased operations at this facility and by April 30, 2005 Orbis completely vacated the building. When in business, Orbis operated a plastics converting process that primarily served the beverage industry.
3. PPC Industries, Inc. is located at 10101 78<sup>th</sup> Avenue, immediately south of this former Orbis property of which they are requesting to occupy a portion of the building. PPC Industries is a producer of flexible packaging for food, medical and industrial use.
4. On March 6, 1995 the Village Board conditionally-approved a Conditional Use Permit , Grant #95-006, and Site and Operational Plans for the construction of the 45,866 square foot former Nucon building. Nucon manufactured plastic pallets.
5. On April 14, 2003, the Plan Commission conditionally-approved a Conditional Use Permit, Grant No. 03-06, for Nucon to provided as Exhibit 2A.
  - a. Construct a 24,735 square foot building addition on the north side of the building for expansion of its operation.
  - b. Construct a rail spur extension to the north property line within an existing easement.
  - c. Add four silo's on the south side of the building.
  - d. Construct site improvements, including additional parking, a fire lane on the north side of the building, landscaping and drainage improvements.

6. PPC Industries, Inc. proposes to occupy the northeast, northwest and southwest quadrants of the building, 33 percent of the 75,000 square foot building, for the warehousing of plastic products and the storage of dormant manufacturing equipment.
7. Specifically, PPC will use the building as follows:
  - < The southwest portion of the building will be used for loading and temporary and intermittent use as product enters and leaves the building provided as Exhibit 3.
  - < The northwest portion of the building will be used to store plastic product provided as Exhibit 4.
  - < The northeast portion of the building will be used for the storage of dormant manufacturing equipment. See Exhibit 5.
  - < The southeast portion of the building will remain vacant.
8. PPC will not have any production or manufacturing operations in this building.
9. The exterior of the site and building will essentially remain unchanged, except for the required signage needed on the Primary Monument Sign to identify PPC Industries as the building tenant. Prior to any installation of any new signs or any sign modifications, the property owner shall submit a complete and conforming Sign Permit Application and the permit shall be approved and issued by the Village.
10. The property is zoned M-2, Heavy Manufacturing District. Pursuant to 420-148 (67) of the Village Zoning Ordinance, the storage and warehousing of products primarily comprised of plastic is allowed in the M-2 District with the approval of a Conditional Use Permit.
11. For further information on this project, refer to the Application and associated materials in Exhibit 2.
12. Notices were sent to adjacent property owners via regular mail on August 29, 2005 and notices were published in the *Kenosha News* on August 29, 2005 and September 5, 2005.
13. The petitioner was faxed and/or emailed a copy of this Village staff memorandum on September 9, 2005.
14. According to Chapter 420-148 of the 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 hearing this evening that the project as planned, will not violate the intent and purpose of the Village Ordinance and meets the minimum standards for granting of a 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.

With that, I'd like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Close the public hearing and open it to comments and questions from Commissioners and staff.

Mike Serpe:

Mr. Chairman, I'd move approval of the conditional use permit and welcome PPC Industries.

John Braig:

I'll second. Might I add subject to conditions outlined by staff. I know specifically the Fire Chief has indicated that there is a deficiency there now which much be resolved before it can be granted.

Mike Serpe:

Hasn't that been taken care of?

Jean Werbie:

It will be.

Mike Serpe:

That would be included.

Tom Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO APPROVE THE CONDITIONAL USE PERMIT SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM BASED ON THE FINDINGS OF FACT AND THE STAFF'S RECOMMENDATION. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT AND A REVISED CONCEPTUAL PLAN: The request of Lance**

**Skala of CenterPoint WisPark Land Company LLC, property owner, to consider a Zoning Map Amendment to rezone an approximate 3 acre parcel located at the southeast corner of 116<sup>th</sup> Street and 88<sup>th</sup> Avenue, from A-4, Agricultural Land Holding District to M-1, Limited Manufacturing District. An associated revised Conceptual Plan will also be considered.**

Jean Werbie:

Mr. Chairman, the petitioner is requesting to rezone the approximate three acre parcel located at 8701 116<sup>th</sup> Street. It's identified as Tax Parcel Number 92-4-122-332-0200. The CenterPoint WisPark Land Company LLC is requesting a zoning map amendment to rezone, again, an approximate three acre parcel of land as part of the request.

Pursuant to the Village Comprehensive Land Use Plan Map, the subject three acre property, as well as the surrounding properties to the north, south, east and west are all currently designated as appropriate for industrial land uses. On May 12, 2003, the Plan Commission approved Resolution #03-11 to amend the Comprehensive Land Use Plan. As a part of that amendment, the subject three acre property was removed from the Lower-Medium Density Residential with an Urban Reserve Land Use land use designation and placed into the Industrial Land Use Plan designation.

On May 12, 2003, the Plan Commission approved Resolution #03-12 to amend the Green Hill Farms Neighborhood Plan to reflect the amendments made to the Village Comprehensive Land Plan to bring this area into the light industrial classification.

Under the subject property, the subject property is improved currently with a 2,282 square foot two story single family dwelling constructed in 1969 and a 576 square foot detached garage constructed in 1974. If the rezoning to M-1 is approved by the Village Board after recommendation by the Plan Commission, the existing single-family use will become a nonconforming use in that single family use would no longer be an allowed use in the M-1 District.

The surrounding properties are used and zoned as follows:

- C North – Across 116<sup>th</sup> Street, three M-2 zoned properties, two of which are improved with VW-Audi and Deluxe Media Services with an undeveloped parcel located in between.
- C South and East – An approximate 55 acre undeveloped property owned by the petitioner, CenterPoint WisPark Land Company LLC, zoned M-1, A-2 and C-1.
- C West - Across 88<sup>th</sup> Avenue, a 55 acre vacant property zoned M-1, C-1 and FPO, and an undeveloped 20 acre property zoned M-1, C-1 and FPO located immediately south of the LakeView Spec X building.

Under their conceptual plan, on November 15, 2004, the Village Board conditionally-approved a Conceptual Plan and also approved the related zoning map amendment pertaining to the approximate 55 acre property that abuts this subject property

The 2004 Conceptual Plan portrays the property in two lots. The 2004 Plan shows Lot 1, the northern lot which is generally the portion of the property located north of the 150 foot wide WE Energies power line easement, as being improved with three industrial/warehouse buildings and associated site improvements. The largest of the three buildings, located on the eastern portion of the lot is proposed to be approximately 480,000 square feet. The two smaller buildings would be approximately 60,000 square foot buildings are proposed to be located on the western portion of the property, adjacent to County Trunk Highway H.

The plan shows Lot 2, the southern lot which is generally the portion of the property located south of the 150 foot wide WEPCo easement, as being improved with a storm water management pond. Also located on the proposed Lot 2 is an area of Primary Environmental Corridor and wetlands.

As a part of this rezoning request, the petitioner has submitted a revised version of the conceptual plan that was approved by the Village. The plan as it was revised is generally as follows:

1. The subject three acre property at the southeast corner of 116<sup>th</sup> Street and 88<sup>th</sup> Avenue is included in the 2005 Conceptual Plan.
2. The subject three acre property is proposed being combined with the larger 55 acre parcel to the south and east, which is also owned by the petitioner.
3. The northernmost 60,000 square foot industrial/warehouse building, as depicted on the 2004 Conceptual Plan, has been increased in size to 110,000 square feet and extends northward, along with the parking area, onto the subject three acre property.
4. Previously shown storm water basins--actually they should also be shown on this plan. There was one architectural drawing that had removed them, but the basins will still remain on the subject property on the north end as well as on the south end.

If and when this development occurs, Village review of Planned Unit Development Overlay zoning if multiple buildings are proposed on a single parcel, Razing Permits, Site and Operational Plans, Conditional Use Permits if required, CSMS if required, Building Permits, State of Wisconsin building permits and any other additional reviews/permits will be required at that time. All development phases are required to comply with all ordinances in effect at the time permits are obtained and at the time substantial construction has commenced for each phase.

The requested rezoning this evening is from the A-4 District to the M-1 District to accommodate the proposed potential light industrial development as depicted on Exhibit 4. The parcels as combined do comply with the minimum requirements of the M-1 District as outlined by the Village. The project as proposed does comply with the Comprehensive Land Use Plan and the Green Hill Farms Neighborhood Plan. Additionally M-1 designation is consistent and compatible with the adjacent M-1 Zoning Districts within that particular area.

With that, this is a matter for public hearing, and if there are any questions the developer is also in the audience to answer any of those questions.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll close the public hearing and open it up to Commission comments . . .

Gary Rosecrans:

Gary Rosecrans . . . 10411 Corporate Drive, Pleasant Prairie. I guess what I want to make clear to the Plan Commission and the staff is that if you go--the original concept plan which I think was distributed in your package shows retention along 88<sup>th</sup> Avenue. It also has it along 116<sup>th</sup> Street, as well as the area south of the WEPCo utility easement. We anticipate that all those retention areas will remain. And, furthermore, there will be retention along 116<sup>th</sup> Street and 88<sup>th</sup> Avenue on the former Nixon property. I apologize that it wasn't on the plan that was submitted with our request for a zoning change.

Tom Terwall:

Your apology is accepted.

Mike Serpe:

Is there a CSM coming shortly with this?

Gary Rosecrans:

We probably would wait until we have a final development plan before we would subdivide the property, so for the moment I'd say no.

John Braig:

In as much as this is a conceptual plan, I guess the details of water retention aren't that critical at this point. With that I would move approval.

Mike Serpe:

I'll second.

Tom Terwall:

**MOTION BY JOHN BRAIG AND SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO APPROVE THE REZONING SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.



**D. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT:** The request of Richard Steffes, agent for Laurel Steffes & Georgette Bates owners of the vacant property generally located on the west side of 3<sup>rd</sup> Avenue south of 110<sup>th</sup> Street to rezone a 15 foot portion of the field delineated wetlands seven (7) feet from the south property line from C-1, Lowland Resource Conservancy District to the R-5, Urban Single Family Residential District as result of the Wisconsin Department of Natural Resources approval and permit to allow the owner to fill the area for the installation of a driveway from 3<sup>rd</sup> Avenue to the non-wetland portion of the site. The LUSA, Limited Use Service Area Overlay District will remain on the property.

Jean Werbie:

Mr. Chairman, the petitioner is requesting that the Village amend the zoning map to remove a 15 foot portion of the property generally located on the west side of 3<sup>rd</sup> Avenue, south of 110<sup>th</sup> Street, and further identified as Lot 3, Block 20, Carol Beach Estates Subdivision Unit No. 2, that is currently zoned C-1, Lowland Resource Conservancy District, into the R-5, Urban Single Family Residential District, as a result of a Wisconsin Department of Natural Resources issued a permit to fill a 15 foot by 32 foot area of wetlands for a driveway to be installed on the property that would provide access to the non-wetland portions of the property. The entire property would remain in the LUSA, Limited Urban Service Area Overlay District.

So, for reference purposes the request is the hatched area that is adjacent to 3<sup>rd</sup> Avenue. There's another small pocket of wetlands on the references property that would not be disturbed, and the remaining buildable area for a single family house would be just at the extent of the driveway.

With respect to this particular request I decided to put some background information together. On May 17, 2004 the Village received as application from the property owners requesting that a wetland staking be completed. On June 17, 2004 a biologist with SEWRPC performed an on-site inspection and evaluation of the site and staked the location of the wetlands on the property. A survey was prepared that indicated the location of the wetlands on the property as staked by the biologist and the survey was approved by SEWRPC on August 11, 2004.

On October 25, 2004 the Plan Commission adopted Resolution #04-21 to initiate a zoning map amendment to correct the zoning map and rezone the field delineated wetlands as staked and approved by SEWRPC and by placing those wetlands into the C-1, Lowland Resource Conservancy District. On December 20, 2004 the Village Board approved Ordinance #04-58 to correct the zoning map and rezone the field delineated wetlands into C-1, the non-wetland areas remained in the R-5, Urban Single Family District, and the entire property would remain in the LUSA, Limited Urban Service Area Overlay District.

On January 13, 2005 the owners received a Provisional Permit from the Army Corps of Engineers allowing for a portion of the wetlands on the property to be filled for the driveway. This permit is not valid and did not authorize any work until and unless a permit was obtained from the Wisconsin Department of Natural Resources. On March 17, 2005 a permit from the Wisconsin DNR became effective to fill a maximum of 570 square feet or 0.013 acres of wetlands for the purposes of constructing a residential driveway to access the upland portion of the site to construct one residential home. The driveway will cross an area of wetlands and fill an area approximately 32 feet long and 15 feet wide.

On August 31, 2005, the Village issued a permit to install a driveway pursuant to the Army Corps of Engineers and DNR fill permits. A culvert was installed within the 3<sup>rd</sup> Avenue ditch line on September 6, 2005 by the Village's Public Works Department as requested by the property owner. The Community Development Department placed a stop work order to on the driveway permit. Prior to the issuance of the stop work order the property owners had not filled any wetlands.

On September 6, 2005 the Village received a letter from Mr. Alan Zahn, an adjacent property owner, requesting that the Village table this zoning map amendment and he requested to allow the adjacent property owners the time to file an appeal with the Department of Natural Resources. As of today, the Wisconsin Department of Natural Resources had not yet received a request from Mr. Zahn and the adjacent property owners regarding requesting a hearing pursuant to Section 227.42 of the Wisconsin State Statutes relating to the March 17, 2005 DNR fill permit.

What I'd like to do is, again, give a little bit of background information, and I think we heard most of it this evening, so I'm going to just provide a brief overview of this.

The Land Use Management Plan for Carol Beach and Chiwaukee Prairie:

This property is located within Carol Beach Estates Subdivision Unit #2, Lot 3, Block 20, that was platted in 1947. At this time environmental regulations, in particular wetland regulations, were not regulated by the State and zoning regulations in the Kenosha County were not in effect until 1959.

In 1981 the Town of Pleasant Prairie and Kenosha County requested that the SEWRPC bring together the concerned public agencies, non-profit, private agencies and private interests in a planning effort directed at reaching a compromise of the land use planning objectives. Again, that plan focused on two things: natural resource protection of the Carol Beach and Chiwaukee Prairie and the rights of private individuals to develop their land. This planning effort was initiated in March 1982 under the guidance of a Technical Advisory Commission created for this process.

In 1985 the Town Board signed a joint Policy Resolution supporting the Community Assistance Planning Report No. 88 entitled: A Land Use Management Plan for the Chiwaukee Prairie-Carol Beach Area of the Town of Pleasant Prairie. The Land Use Management Plan set forth development areas within the existing platted areas of Carol Beach and Chiwaukee Subdivisions. It identified non-development areas as preservation areas. It identified lots designated in the preservation areas located north of 116<sup>th</sup> Street that would be acquired by the DNR. Those south of 116<sup>th</sup> Street would be acquired by the Nature Conservancy of Wisconsin. It was based on a willing seller/willing buyer basis. A portion of Carol Beach Estates Subdivision Unit #2 including Lot 3 of Block 20 is located within the urban development area and a portion of Unit #2 is located within a Preservation area. Again, a portion of Carol Beach Estates Unit #2 including Lot 3 of Block 20 is located within the urban development area, and, again, a portion is not.

This is an overview of the aerial that shows which areas are specifically located within the development area and the portions that were not located within the development area.

The Land Use Management Plan is intended to guide Pleasant Prairie, state and federal agencies in exercising their respective land use regulatory responsibilities; to guide Pleasant Prairie in the

provision of basic urban services; to guide public agencies and private interests in the acquisition of environmentally significant open space land; and to provide a framework within which the private land owners can formulate plans for additional development

One recommendation was that upon adoption of the Plan, Pleasant Prairie as a Township should submit to the Army Corps of Engineers a collective application seeking permission to fill and develop for residential uses all wetlands located within the proposed urban development areas shown on the final land use plan.

On May 19, 1986, the Army Corps of Engineer held a public hearing regarding the area-wide fill permit and on October 26, 1987 a permit was issued to the Town of Pleasant Prairie to fill 64 acres of wetlands in the Carol Beach/Chiwaukee Prairie within the urban development areas as shown on the final Plan. This area wide fill permit expired on December 31, 1997. Once the area wide fill permit expired, all property owners within the urban development areas had to apply for individual permits pursuant to the State and Federal Regulations that were and are applicable to all property owners in the State of Wisconsin.

During the 10 year fill permit time period which was October 1987 to December 31, 1997, approximately 51 acres of land within all of the urban development areas were built on and approximately 25 acres of wetlands were filled. Specifically in Carol Beach Estates Unit #2 approximately 6.31 acres or 26 single family lots were built on within the urban development area and approximately 6 acres of wetland were filled.

Since the fill permit expired several properties within the fill area have been built on; however, and only 0.01 acre of wetland has been filled within the Carol Beach/Chiwaukee Prairie area. The 0.01 acres of wetland was filled for a driveway to be installed through a wetland to provide access to the non-wetland area of the property on Lot 15 of Block 30 in Carol Beach Estates Unit #3. The fill permit issued by the DNR to the petitioner's property was the 2<sup>nd</sup> fill permit issued by the DNR in this area.

According to the DNR, eight persons have requested a fill permit to fill wetlands within the Carol Beach/Chiwaukee Prairie area and six applications to fill wetlands were denied. Two of the six permits that were denied were in Carol Beach Estates Unit #2.

There's a chart on this particular slide and in your packets that identifies some just general information. Urban development areas in Carol Beach number of lots; preservation areas number of lots; the number that were building prior to 1987; homes constructed between '87 and '97 that filled wetlands under that area wide fill permit; homes built after 1997 that there were no wetlands on the property; homes built after 1997 that have wetlands on the property but the wetlands were not filled; lots acquired by the DNR from the willing sellers; vacant lots; and acres of wetlands filled after the Army Corps of Engineers fill permit expired in 1997.

I have to compliment my assistant, Peggy, because she's been tracking all of these details for so many years of us in the event that any of these questions ever came up, and she's got a great deal of data in our system now on all of these trackings.

One of the questions that had been coming up is storm water management, especially within the Carol Beach Unit 2 area, and I would just to make some general comments, and if we have specific questions pertaining to that I'm sure that Mike Pollocoff could answer those questions.

Under the Carol Beach Estates Unit 2 Draft Storm Water Management Plan, the Village has had several meetings with the property owners in the Carol Beach Estates Unit #2 concerning storm sewer and drainage issues. The Village has been working on a plan to install a series of storm sewer and ditches to assist in the drainage issues in this area. The red arrows indicate storm sewer locations and the green arrows indicate drainage ditches. The plans are being finalized and it is anticipated that the Plan will be presented to the neighbors and the Village Board for consideration before the end of this year. The plan indicates that the petitioner's property, Lot 3 of Block 20, is proposed to have storm sewer.

So the request you have before you this evening, the petitioner is requesting that the Village amend the zoning map to remove the 15 foot portion of the property generally located on the west side of 3<sup>rd</sup> Avenue, south of 110<sup>th</sup> Street, again, Lot 3, Block 20, Carol Beach Estates Subdivision Unit 2, that is currently zoned C-1, Lowland Resource Conservancy District, and amended into the R-5, Urban Single Family Residential District as a result of the Wisconsin DNR permit to fill. It's a 15 foot by 32 foot area of wetland. This is for a driveway to be installed on the property that would provide access to the nonwetland portions of the property. The entire property would still remain under LUSA, the Limited Urban Service Overlay District area.

That is a summary of the petitioner's request with respect to the zoning map amendment, and I would like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Yes, sir, you had your hand up first.

Alan Zahn:

My name is Alan Zahn. I'm from 11262 3<sup>rd</sup> Avenue, and my property is adjacent to that property. Peggy, I want to congratulate you on such a wonderful presentation of the history so I don't have to go over it. She already went through everything. The problem is there is major water problems down there, and our request is that you shelve this issue until we visited the DNR. Now that I hear there's plans for storm water, because there's water on our properties. If you've ever been down there, obviously you know the problems for the last 20 years with all of us screaming and yelling about the water down there. It's a wetland. We bought swampland. Pretty expensive swampland. And every time you build a new home it just increases the water level everywhere else and causes more problems.

I would like you to shelve this issue until if you can develop a storm water, which has been said and done I don't know how many times. I've spoken with the DNR for a couple hours and they showed me a half dozen different plans you guys came up with. And every time they were denied because of the same reason, the land is too low and the water table is too high. You're going to be digging ditches and they're going to go nowhere. Water is going to be sitting right there. It's not going anywhere and you know that. Pumping stations were decided. They said they couldn't even put in sewage for pumping stations because you'd be digging things under water. It would be too expensive. There is no solution. We're in swampland. That one above issue A, I think they went over it very well the problems we're having over the wetlands. We are the storm water retention pond for Pleasant Prairie. I'm just asking to shelve it for three months until we can petition the DNR. You've got a copy of the petition I was going to send.

Tom Terwall:

What's the status of that? Have you guys contacted them yet?

Alan Zahn:

I have contacted Michael Cain on that on the same copy you have, but I have all the signatures now. I was waiting for tonight to see what you were going to do before I mailed it. But I have it and I can mail it tomorrow.

Tom Terwall:

Thank you. Anybody else wishing to speak? Yes, sir?

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. Jean, you did do a good job recapping the problems we have down there. This entire area is a water management nightmare. Every spring the runoff or the heavy rainstorm, the ditches are all full, water's running across the road. Bob Martin is working hard on coming up with another solution to the mess and we want to see what that's going to be.

In fact, this particular lot at one time was proposed to be a detention pond by the Village. The whole lot was going to be a detention pond. According to the DNR the Wisconsin wetlands are in peril, being destroyed and degraded by development. These are excerpts from their website. Now, here's a developer that wants to fill in 20 percent of the wetlands on the front end of his property, and the developer or the owner has had plenty of time to fill it in when there was a blanket fill permit. If he was interested in doing it, it should have been done then.

Another thing the DNR said if you were a concerned citizen who sees a wetland suffering from development, check to see what the government officials can do to protect it and that's why I'm talking to you folks.

Tom Terwall:

After they issued a fill permit, right? That's what they're saying, now that they've issued them a fill permit.

Bob Babcock:

Oh, yes, absolutely. I understand it was Heidi Hopkins that gave the blessing of the DNR to this project. I wrote her a letter to find out what her rationale was for doing this, and I asked her to put a hold on her decision until the water problems are solved, and I have not even had the courtesy of a return call from Ms. Hopkins. So apparently she doesn't want to change her mind or get too involved in it. So I'm urging that you table this whole thing until the water problems are solved. If the water problems get solved and this wetland situation is not going to be a problem, then we can go ahead and take another look at it. And in the meantime there's a bunch of ducks that nest there every spring and they're going to be a little upset with all the gravel in there.

Tom Terwall:

As long as it's not geese you've got my attention.

Bob Babcock:

And, Jean, if you can run off a copy of that presentation you did I'd really like to have one. Thank you.

Tom Terwall:

Anybody else wishing to speak?

Lenny Sweeney:

My name is Lenny Sweeney. I live at 11233 3<sup>rd</sup> Avenue, which is across the street from the property they're talking about filling. The problem I have with filling any wetland is what happens on my property is the road is sloped to my ditch. The culvert runs under the road into my ditch that's supposed to take the water over to two wetland lots right next to my lot. I get water sometimes almost 30 feet into my yard when it's wet in the springs and stuff like that.

The filling of wetlands or taking away the water to go somewhere it's going to put more water into my yard. I've got three small children. I don't need to have any more water in my yard than I already get. I believe that you need to do something about the water issue down there around us before you put anymore development down there. You've already put three new houses in there. There was a ten year moratorium to fill those lots. If the owner wanted to do it so badly he should have done it when he had the opportunity at that time. So I think until the water issue is totally dealt with down around there, and I know we're a small neighborhood down in there that has this water issue, but it really needs to be addressed for the safety and the health issues down in that area. And the last thing we need down there is more development of something that's going to make the problem worse.

The three houses that just got put in down there this year I think are going to make the problem even worse, and I'm going to get even more water in my yard because the culvert is sloped to my yard, an existing property, and when they put the culvert in they sloped it to my yard. Anybody want to come out there I can put a level on it and I can show you. Thank you very much.

Tom Terwall:

Thank you.

Dave Holden:

My name is Dave Holden, owner of 11220 3<sup>rd</sup> Avenue. Lenny and Mr. Babcock have the least of the problem with the water that I do. My house sits in the middle of that water. Last time Channel 6 News was out there to address the water problem I refused to go on TV to gripe, because I thought trust in the Village would solve the problem. I've now lived there seven years. I lost my insurance as far as flood damage now. Lost two basements. My yard is sitting two lots from where they want to put the driveway in. I brought in probably ten loads of dirt over the

seven years. I've ditched my front yard after you told me I couldn't ditch it because my yard was nothing but a swamp with mosquitoes. I have little kids also.

I put \$8,000 worth of landscaping in front. A lot of the neighbors have said it's beautiful, to get the water to slop down and not sit in my yard. Three houses that he's talking about, the new houses, this summer has cost me \$4,000 for a sump pump and a backup pump, because the house that was next to me somebody built, I guess Huxhold put it in, and now I have a water problem with that. Solved that and have a new sewer in, and now we have problems with the wells. It's dry out right now and we've had a dry summer, but what's going to happen next year if we get a lot of rain again?

Like he said about the ducks, he's not kidding about the ducks. There's three or four ducks that live over there. And the three houses I think the water is going that way but it's going to sit in my yard. We have to put a stop to it. We have nature down there, and I think it's all about tax dollars and how much money we're going to pay in taxes down there with the Village. I don't think we need another house down there. Like he said, it should have been filled when he had his chance.

Tom Terwall:

Thank you.

Bob Babcock:

Bob Babcock: Hi, I'm Bob Babcock, 11253 3<sup>rd</sup> Avenue. I also have small children that play with Lenny's small children and Dave's children and the water in the ditch is dangerous. You have a moral obligation to protect the residents who live down there down. Building another house there is going to cause more problems. You need to fix that before someone gets killed, someone drowns. That's on you. I don't need to say much more than that.

Tom Terwall:

Thank you.

Richard Steffes:

Good evening members of the Committee. I'm Richard Steffes. I live at 33 Stacy Lane in Madison, Wisconsin. I'm representing the two owners of this lot, Georgette Bates and Laurel Steffes. They inherited this property. It was in the family at least 50 years. I'm not sure how long but at least 50 years.

We followed the business with the comprehensive compromise over land use and we knew we could fill this. We, frankly, wanted to minimize the environmental damage of this property, and I think the way that we're proposing to do it does that as opposed to filling. There's a very small fill here to get access to the high ground. By the way, the buildable area on this is higher than most of my neighbors' properties if somebody cares to look. I don't know how this would have been a retention pond. We didn't hear that as an owner. There is wetland to the northeast. There's wetland to the northeast of one of the speakers here who I met when I was out there the other day. There's quite a bit of wetland and undeveloped land that will never be developed because the lots are very wet.

I don't know what you do about the drainage problems. Clearly you have some problems seasonally out here. I don't think this property is the cause of it. Frankly, your first speaker here has offered me \$8,000 for my lot. He's added to his existing home site by buying the one between the two, between his home and my lot. If you turn me down maybe he'll get it for \$8,000 and maybe not.

People don't want neighbors and I can understand that, but I would point out that the sisters who own this lot deserve the same property rights as everybody else. That's all we're asking. We believe in personal property rights and that land can't be taken without compensation and our land value can't be taken without compensation. I look at the DNR's work and the Nature Conservancy's work with the preservation projects. They've done a great job. The prairie restoration has been remarkable, but they paid for the land that they took, and that's all I'm saying. If the Village doesn't want this bought and these folks don't want the permit issued, if you guys want to take it off my hands for what my current accepted offer is, I'll sell it to you today, but it is a little more than \$8,000 folks.

You guys have a tough job of balancing property rights, growth and housing needs and environmental and quality of life. I appreciate that. I just point out that this is in the urban development area that was agreed to. It's a high lot. The permit was issued because it's the only access to the buildable area. That's something Heidi can speak to who I met tonight, again, another person doing a good job with a difficult mission.

I went through a process here and spent about \$2,000 on various permits and wetland staking and so on and so forth. The Army Corps of Engineers and the DNR looked at it and did their approvals. The Village approved a culvert and installed it, and now at this late date we have objections. I would point out that part of the process for me to get the various permits was public notice in the *Kenosha News* that cost \$145 which was plenty, by the way. That's the venue under which folks are supposed to complain. They didn't complain. Now it's approved and on hindsight we're getting questions.

So, again, I will look forward to your decision and I appreciate your time and effort with this. That's all I have to say.

Tom Terwall:

Thank you.

Heidi Hopkins:

Hello, thank you for allowing me to come here to speak today. I'm Heidi Hopkins with the Department of Natural Resources. I just wanted to clarify one point that Jean Werbie brought up. The public notice for this project, which is also my permit, was issued on March 1, 2005. The applicant published this on March 17<sup>th</sup>. My permit is issued subject to the 30 day public notice. So it did not become valid until after the 30 day notice was finished, so that was April 17, 2005. And during my public notice period I received no phone calls and I did not receive any letters or inquiries requesting a public hearing. So, therefore, the permit was issued and the Department considers it valid.



Tom Terwall:

Thank you. Thanks for the input.

Alan Zahn:

. . . offer him money for his property. Alan Zahn, 11262 3<sup>rd</sup> Avenue. When it went up for sale, I live right next to it and it's under water all the time. High ground, it's under water just like my property is. I should have brought pictures. I showed them to the people many times. I've got three feet of water in my backyard. My kids swim in it and boat in it. It's a lot of fun I guess for them. But I called up when it went for sale and I said I'll give you \$5,000 because that's all it's worth. It's swampland. My Boy Scouts camp on it.

But as far as this March 17<sup>th</sup>, it went into public notice one day. Unfortunately I didn't read the public notices on March 17<sup>th</sup>. And there is a Chapter in here, 227, that says that not only should they put an article in the public notice, that Heidi Hopkins should inform all interested parties, and given the unique problems with the flooding in that entire LUSA area I felt that it was her obligation to give us a notice so we could have. Obviously, a lot of the neighbors were here. We waited all that time just to come and say our piece. I think if they would have done their part and notified us first, he could have saved himself a lot of money.

He also had that property donated or given to his family 50 years ago, and at that time what was an acre going for a lot? \$500? Just because some lots that are buildable are worth \$42,000 or assessed at that, DNR property went up there and zoned C-1 for 32 feet, 75 feet across because it's under water. There's cattails growing there. I don't think those are valid arguments. Thank you.

Tom Terwall:

Anybody else? Close the public hearing and open it up to comments and questions. Anything for the staff to add?

Mike Pollocoff:

I guess one of the problems that was identified was storm water in Unit #2, and it is a difficult problem that the Village has struggled with for a significant amount of time. We had two neighborhood meetings recently where we brought about some plans that Jean had showed where the Village had received a grant from the State to work on some storm water management in flooding areas. One of the specific problem area identified was Carol Beach Unit #2.

We've had two projects where the Village has undertaken a design. In one instance it wasn't approved by the State. In the second instance the Village withdrew it based on citizen feedback. It's been a difficult area because these are unimproved lots. The only improvement they have is a road. That's one of the reasons it's in a Limited Urban Service Area delineation is because people bought lots over the years, put homes on them, and have expected those lots to function like a typical residential lot in the Village, and it's difficult because there's no storm water improvements.

The staff is going to be bringing in October, the Village Board has adopted a resolution of notice of intent to levy special assessments for a storm water improvement project. Our engineer, along

with the consulting engineer, has reviewed this thing. We've probably spent enough engineering dollars on this to build it, and not have it built, but I believe the proposal that's going to be coming forward is an acceptable plan. A majority of the neighbors at a meeting were comfortable with it and said they wanted to have us keep on proceeding and bring it through to a hearing which we'll be doing.

My concern is that I think that, like I said before, the reason we're giving out permits down there is not because these are great lots to build on, but they meet the requirements of the Chiwaukee Prairie Land Use Plan. They're upland lots, and if they're upland they get the go. If we want to assess the lot in question for the storm water improvements, the individual needs to be able to have access to the lot and be able to take benefit of the improvements that are there. We can't do it both ways where we say we're not going to acquire your lot and we're not going to let you make the improvement, and we're going to have you hang there until either you go away or we're not going to let you build or someone is going to buy it.

We've worked with Ms. Hopkins extensively on getting this latest version approved or workable, and DNR seems to like it. She's worked with us far more than anybody from DNR has in a significant number of years and I think it's a good project. But I'm at a loss because if somebody gets their permit, it's been the guiding rule from the Village for a number of years, once you've gotten your DNR permit and they've signed off on it you're pretty much on your way. I don't know that we have any standing not to rezone it. If the DNR on appeal rejects that permit, then they're going to assume the expense and the cost of undoing what they've done. But the Village in full reliance on the permit process and what they've gone through, if we've issued the permit to start work that's our legal obligation and that's what we have to act on. We can't not act on it unless we're prepared to buy the lot. Right now that's the deal. He's got a permit, he's got a buildable lot based on what we have down there and I don't know that we can not do it.

Everything that the gentleman came up and talked about is 100 percent correct. There is significant drainage problems in that area. That project that the Village is going to be bringing forward needs to happen. We can't afford to have it cycle through again and have it field engineered by the residents. This project here is what's going to take care of the drainage projects. So I don't know what Jean has to say, but I think we're hard pressed to somebody who has a permit from the State saying they can do what they're going to do and not act on it unless we're prepared to acquire it.

Mike Serpe:

I don't disagree with what Mike just said, but if we did nothing to this area there's going to be water there in the springtime. Allowing some fill to take place in an area that's already flooded is going to cause that problem, that water, to be displaced somewhere else. I still don't understand why, or I wish we could come up with a method that would allow us to prevent the excavation of basements in that area, because all you're doing is going down to the water table and that basement is put in and you're house is going up and you're recycling the water through your sump pump right back again. I don't know what we can do about that if anything. But in a case like this I have to sympathize with the neighbors. I've been down there and got swamped with mosquitoes last spring or two years ago. I can't remember exactly when it was. I don't think it could hurt us much if we could just table this until after the October hearing when the storm water

plan comes forward. If that passes, I'm sure that's going to take care of some of the problem that's there presently.

Tom Terwall:

My concern, Mike, I guess is the issue of taking. It's already been pointed out that the State has been very, very stringent in issuing any fill permits in this area. So when you finally get one, one-tenth of one percent, now it's going to be the Village that says no you can't develop? And I'm afraid if that property owner would take us to court we're going to be hanging out there. I just don't know if we've got a leg to stand on. It's hard to say if the DNR would reconsider the permit or not given the fact there was a legal notice published and people had 30 days to come forward and object. Nobody objected in that 30 days. If I were the petitioner and the DNR said now six months later now somebody saw the notice and now they're going to object, I'd scream bloody murder if that was me.

Mike Serpe:

I'm not disagreeing.

Tom Terwall:

I just have a real concern about what our legal liability would be if we tabled it at this late date when they've jumped through all the hoops. There's no question that in accordance with the plan this was a buildable lot and, yes, he did have ten years to come in under the area wide fill permit, but the plan also provided for applying for a fill permit after that ten year area wide fill permit had expired. And, yes, there have been very few issues, but this was one of them that was issued, and I don't know what the heck our basis for denial would be.

Mike Serpe:

I'm not mentioning denial. I'm just saying I think it would be advisable to table this until after the sewer hearing has taken place.

John Braig:

I'm inclined to agree with Mike, but assuming the plan doesn't go through in October, would that be grounds for refusing this? In other words, by delaying it or tabling it, we're suggesting that its approval is going to be dependent upon approval of the overall drainage plan in October and I can't support that position.

I do have a question perhaps the staff can address. As we're speaking of filling in the wetlands with a driveway, I've got two pictures in mind. One is a total fill in, a dump truck backs in and dumps things, and the other is to provide a culvert. One of the adjoining property owners was concerned about water flowing across the road. If this area was filled with a culvert provision in it, it would permit the flow of waters in whatever direction they did take in the past. What we really would be dealing with is the fact that we have displaced a storage area or a storage volume of water. But I don't think that's for us to judge or pass judgment on. The DNR already has done it, and God knows they're superior to anything we could ever conceive of.

Mike Serpe:

Mike, if we were to grant the permit, where would that water go?

--:

My yard.

Mike Pollocoff:

I think they're two issues. The permit related one I don't think is difficult. When that culvert is going to be installed, it's going to be installed with stone and there's going to be a culvert for that water to go through. I think the issue that the neighbors have is that a home is going to be constructed on there. There's going to be X square feet of impervious area that's going to be placed on the lot. There's going to be down spouts that are going to come off. Hopefully the builder or the homeowners are not going to construct a basement where there's a sump pump coming out but that is the problem. It's not the driveway that's the problem. It's that there's another house in an area that's a swamp. That's where the problem comes. The ditch along there that water doesn't move now, but if there's a culvert there with stone it's still going to move somewhat.

The real problem, and this doesn't relate to the fill permit and it doesn't relate to the zoning issue, the real issue is there's going to be another house discharging more water into the area from its driveway and its roofs and its down spouts. Again, that comes back to this thing with the land use plan. Anyplace else in Pleasant Prairie we would be saying forget it, we're not doing this, except for here because we have the land use plan that says some people are going to get their permits because the wetlands aren't significant. Some people are going to get their permits because the wetlands aren't good there. That's what our hands are tied by and that's where we catch ourselves. If this was in Cooper Road and a water pump like that you couldn't go anywhere. But here we don't have that. Everything is turned upside down.

John Braig:

Addressing the issue of the drainage plan that's going to be brought up in October, just my own comments here. I bought a piece of property in Pleasant Prairie. It was well developed. It has sanitary sewer and water, storm water, all kinds of things. It cost a lot of money. The people in Carol Beach in Unit 2 bought a parcel of land that had very little development and the price reflected it. I think when this drainage plan is presented, if it's turned down, it's going to affect my attitude. I don't mean this as a threat. I'm going to say if the people don't feel they want to pay for the improvement to solve the problems they have, don't pass it onto me. I won't tolerate it.

Mike Pollocoff:

Mr. Chairman, I think there's one point I left out and I don't want to leave it out. It's that we'll conduct a hearing of the special assessment of the storm water improvement, and the way the Village does storm water improvements at this point is the property owners agree to pay half and the Village pays the other half. That's been a pretty long-standing practice. We could, in fact, do that. The homeowners would agree that they pay half and the Village would pay half, but the new wrinkle is that the Village is under a property tax freeze. So the Village Board could decide to approve this project, but in order to fund it we have to have a referendum of the residents in the

Village in order to come up with the money to pay for our half. That freeze is for two years. I guess that's a wild card. The options are to go back to the residents and say we're going to have a referendum but if the people in the Village say no, then we'll do it if you pay 100 percent.

The other thing the Village is looking at is a storm water utility is another way to finance storm water improvements. But we're not, given the fiscal climate of the state right now . . . either carving out, gutting part of the budget for the Village and coming in with the money that way, or going to referendum on whether it's storm water or streets or whatever. So even though the Board may approve this with all intents and efforts to want to do it, they would have to put that to a referendum.

Tom Terwall:

There's no grant money available, Mike, at all for this?

Mike Pollocoff:

No, there is no grant money for storm water construction. We were able to get some grant money for the design, but I've got to tell you this is the third design in Unit 2.

Wayne Koessl:

Mr. Chairman, my first feeling is to deny the request, but with the taking of property I can't go that route, so I would move to table it until after the storm water study.

Mike Serpe:

I'll second.

Tom Terwall:

And that's going to be available when?

Mike Pollocoff:

We're looking to have the hearing in October. Probably the second Monday in October.

Jim Bandura:

Just a quick one. What's the life span of the permit? How long is it good for?

Mike Pollocoff:

Heidi do you know that?

(Inaudible)

Jim Bandura:

And, Heidi, can it be extended if need be?

Heidi Hopkins:

Yes, it can be extended . . . (inaudible) . . .

Mike Serpe:

As long as it can be extended I think we're okay.

John Braig:

But that puts a burden again on the applicant.

(Inaudible)

Mike Serpe:

Just a question. Tom, you sat on the committee, Mike sat on the committee for the cooperative agreement. When that agreement was reached, was there an anticipation in the early '80s that the amount of building would be going on in Carol Beach as we see it today?

Mike Pollocoff:

There was an anticipation that in Carol Beach Unit 2 specifically different than any other area that was buildable, that in order for that area to be urbanized and the people there wanted it to be urbanized, and that was one of the outgrowths of the plan, there had to be a skeletal storm sewer constructed, because it's a weird place. The wetlands are higher than the developable area there so they drain down into a bowl. Back then it was anticipated that there had to be storm sewers in there. It was designated as an urban area.

Tom Terwall:

The motion is to table and that ends the discussion, but I just have a question. The hearing comes in October and the residents in that area turn it down, does that mean you're going to turn this gentleman down, too, because I have a real problem with that.

John Braig:

That was my point.

Mike Serpe:

I understand where you're coming from. I guess I'm trying to offer some peace of mind to these people that we'd like to work with them and maybe there's some light at the end of the tunnel if that storm sewer project proceeds and passes. You're right, Tom, I think if it doesn't pass I don't see how we can turn that permit down.

Tom Terwall:

I'm going to support the motion to table even though I don't agree with it, but I'm going to go on record right now that if the people in the neighborhood turn it down, when this comes back I'm going to vote in favor of it, because I don't think we have any alternative. Given the cooperative agreement and given what the State agencies have done in the granting of the permit, I don't think we've got a leg to stand on unless we want to buy the lot at fair market value as though it were a buildable lot because that's what the agreement calls for. If you want to go to referendum, we might as well go to referendum to buy that lot as well as go to referendum for the sewer area.

Jim Bandura:

I agree with you, Tom.

Tom Terwall:

**THE MOTION BY WAYNE KOESSL AND SECOND BY MIKE SERPE THEN IS TO TABLE UNTIL AFTER THE HEARING IN OCTOBER. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed?

John Braig:

No.

Tom Terwall:

No. I'm going to say no. Three to two.

Jean Werbie:

I just wanted to find out if you were going to set it for a specific date in October or November, because then the residents here would have the benefit of knowing that specific date.

Tom Terwall:

Second Plan Commission meeting in October.

Jean Werbie:

October 24<sup>th</sup>.

Tom Terwall:

Fine.

Jean Werbie:

So the residents that are here now know that it would be October 24<sup>th</sup>.

Tom Terwall:

Thank you.

Jean Werbie:

If it's different than that we'll send out notices.

**E. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY PLAT for the request of Mark Eberle, P.E. of Nielsen Madsen and Barber, agent for Quinton and Lisa Ackerman owners of the property located at 1804 116<sup>th</sup> Street for the proposed 12 single family lot subdivision to be known as Kings Cove Subdivision.**

**F. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Mark Eberle, P.E. of Nielsen Madsen and Barber, agent for Quinton and Lisa Ackerman owners of the property located at 1804 116<sup>th</sup> Street to rezone Lots 1 through 12 and the adjacent right-of-way into the R-4, Urban Single Family Residential District; Outlot 1 into the PR-1, Park and Recreational District; and Outlot 2 to remain in the R-4, (UHO) Urban Single Family Residential District of the proposed Kings Cove Subdivision.**

Jean Werbie:

Mr. Chairman, we have two requests this evening for a preliminary plat and for a zoning map amendment. It's the request of Mark Eberle, P.E. of Nielsen Madsen and Barber, agent for Quinton and Lisa Ackerman owners of the property located at 1804 116<sup>th</sup> Street to rezone lots 1 through 12 in the adjacent right of way into the R-4, Urban Single Family Residential District, and outlot 1 into the PR-1, Park and Recreational District; and Outlot 2 to remain in the R-4, (UHO) Urban Single Family Residential District of the proposed Kings Cove Subdivision. This is based on a proposed preliminary plat for a 12 single family lot subdivision to be known as Kings Cove.

The Kings Cove conceptual plan and the proposed Preliminary Plat is in compliance with the Neighborhood Plan that was approved by the Plan Commission on May 24, 2004. The Tobin Road Neighborhood is generally located between 116<sup>th</sup> and 104<sup>th</sup> Streets and between Sheridan Road and the Kenosha County Bike Trail.

The proposed development consists of 10.01 acres of land located within the south central portion of the Tobin Road Neighborhood.



The development of Kings Cove is proposing 12 single family lots on 4.38 acres of land; 1.96 acres of land will be used for public right-of-ways; 2.83 acres will be designated as open space; 0.84 acres would be identified as lot 2. It's being created for a future single family development to the north of Tobin Creek. It's actually not accessible from the land to the south because of the creek, so it would have to be accessed from the north. The average single-family lot within the development is 15,883 square feet in area. The net density is 1.67 units per acre.

Under tree preservation, there's a Dedicated Woodland Conservancy, Access and Maintenance Easements are being provided on the south side of Tobin Creek, and a number of trees over 8 inches are proposed to be removed as shown on the grading and drainage plan. The engineer for the development is here and he's going to be explaining in detail why that is the case.

Storm water management, the 100 year floodplain in the area has not been delineated. As a result a preliminary floodplain study was undertaken to establish the 100 year floodplains along the Tobin Creek. Finished yard grade and top of foundation elevations have been established based on the floodplain study that was completed by Hey and Associates. The retention basin on the south side of Tobin Creek, a storm water detention area is proposed on the north side of Tobin Creek for additional storm water storage capacity area. That basin that's proposed on the north side of the creek is in proximity to where the trees are located.

With respect to site access, Kings Cove will connect into Tobin Creek Subdivision at 112<sup>th</sup> Street and will connect onto 116<sup>th</sup> Street at 18<sup>th</sup> Avenue. The 115<sup>th</sup> Street required public improvements shall be constructed when the adjacent land to the west of said development is proposed to be developed at the cost of the adjacent property owner. Remember we had some extensive discussions regarding the landowner who lies just immediately to the west, actually this way. And at that point there was some considerable discussion that he was never going to develop his land. However, in the essence of doing some good planning, he wanted to at least provide the opportunity in the dedicated right of way land so that when and if that ever appears, that he will be able to extend that roadway and put in the public improvements to also develop his land.

Restrictive Covenants for the subdivision shall clearly state that 115<sup>th</sup> Street and related public improvements shall be required in the future as a condition of the approval of the Kings Cove Subdivision. Again, we don't want to eliminate the possibility of someone wanting to develop their land should that become a reality.

The single family lots are proposed to be zoned R-4, Urban Single Family Residential District; Outlot 1 would be PR-1, Park and Recreational District; and Outlot 2 shall remain in the R-4 (UHO), because no urban services are going to be able to cross the creek at this location to get to that land area. The developer and owner who lives adjacent to the development currently is looking to preserve his rights to develop that at some point in the future or attach it to some land that's adjacent to his property.

A couple other things I just wanted to mention under population projections. Approximately 33 persons are likely to come from this development. Approximately 28 percent of the development is proposed to remain in open space. There are retention and detention areas that are shown in this particular development. Tree preservation is identified on one side of the creek but not on the other, and site access for this development will be from both 116<sup>th</sup> Street on the south side and then linking into 112<sup>th</sup> in the Tobin Creek development.

With that I'd like to continue the public hearing. The engineer is here along with the property owners, and he'd be happy to answer any questions. One of the items that we had discussed at one of the previous Plan Commission meetings was he wanted to be able to see at the time of preliminary plat how the detailed engineering would impact on any existing trees within the development and if any trees had to be taken why that was the case and were there any ways to avoid the taking of the trees for the development. With that, I'd like to introduce Mark Eberle from Nielsen Madsen and Barber.

Tom Terwall:

Mark you're fortunate that two of the three tree huggers are absent tonight, but you still have one here so please address that.

Mark Eberle:

My name is Mark Eberle with Nielson Madsen and Barber. Regarding the trees on site there are really two areas that we have trees that are going to be removed. The first area is around an existing home up on 116<sup>th</sup> Street. There's a number of trees up there, actually 18 trees total. Only two of the 18 are 8 inches in diameter or larger. The reason for removal of those trees is to get the adjacent lots to blend into the grading plan. We do need to elevate those lots to make sure that they do drain. All those trees, all 18, are of low quality and are mostly two to four to six inch diameter. The second area that we're going to be proposing tree removal is north of the creek.

As far as the storm water management plan on the site, we had to provide for floodplain compensation. A portion of the lots within the subdivision are being constructed on what may be in the future floodplain. At this point it is not designated as floodplain. So we took that potential floodplain volume and filled it on the south side of the creek and traded on the north side. So our storm water management plan does meet Village ordinances. It does meet DNR restrictions and codes, and we are not losing any flood storage. And in order to do that there is a stand of trees on the north side of the creek, a little less than one acre, that will have to come out of there to compensate for that storage. That storage does need to be adjacent to the creek. So that's the reason for the removal of the trees on this site.

Tom Terwall:

Anything further you wanted to add?

Mark Eberle:

Not at this point.

Tom Terwall:

This is a matter for public hearing so I'll open it up. Any comments or questions? Anybody else wishing to speak? Anybody wishing to speak? Anybody wishing to speak? We'll close the public hearing and open it up to comments and questions from Commissioners and staff.

Mike Serpe:

Are you going to sell these lots and develop? Are you going to be doing the building as well?

Mark Eberle:

No, actually the owners here are doing the filling and potentially building some of the homes.

Tom Terwall:

But not all of them?

Quinton Ackerman:

Quinton Ackerman, 1804 116<sup>th</sup> Street, Pleasant Prairie. The question was?

Mike Serpe:

You're going to sell the lots and who's going to do the building?

Quinton Ackerman:

I'm a builder, so my plan is to sell and build all of them, but you have to see how that goes.

Mike Serpe:

And how many different designs are there?

Quinton Ackerman:

It will all be custom homes. None of them would be the same.

Tom Terwall:

Are there a series of restrictive covenants that will be anticipated?

Quinton Ackerman:

We will have covenants, yes.

Tom Terwall:

But they're not available yet, is that correct?

Quinton Ackerman:

No, they're being worked on. I think we have to have them for the next meeting.

Jean Werbie:

We need to get them soon.

Tom Terwall:

Anything else?

Mike Serpe:

I'd move approval of the preliminary plat.

Jim Bandura:

Second.

Tom Terwall:

**MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO APPROVE THE PRELIMINARY PLAT 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. Motion to adopt the zoning map?

Mike Serpe:

So moved.

Jim Bandura:

Second.

Tom Terwall:

**MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO APPROVE THE REZONING 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.

- G. PUBLIC HEARING AND CONSIDERATION OF A FINAL CONDOMINIUM PLAT for the request of Ajay Kuttemperoor, agent for V.K. Arbor, LLC owner of the property generally located north of CTH C (Wilmot Road) and west of 94<sup>th</sup> Avenue for approval of the Final Condominium Plat for the proposed first stage of the Arbor Ridge Condominiums which includes 15 2-unit condominium buildings.**
- H. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT AND ZONING TEXT AMENDMENT for the request of Ajay Kuttemperoor, agent for V.K. Arbor, LLC owner of the property generally located north of CTH C (Wilmot Road) and west of 94<sup>th</sup> Avenue to rezone the area for the first stage of the Arbor Ridge Condominiums from the R-8 (UHO), Urban Two Family Residential District with an Urban Landholding Overlay District to the R-8 (PUD), Urban Two Family Residential District with a Planned Unit Overlay District and a zoning text amendment to create the specific PUD Ordinance requirements for the Arbor Ridge Condominiums pursuant to Chapter 420-137 of the Village Zoning Ordinance.**

Jean Werbie:

Mr. Chairman, we have before us two requests this evening. A final condominium plat at the request of Ajay Kuttemperoor for V.K. Arbor, LLC for the Arbor Ridge Condominium plat. The property is located west of 94<sup>th</sup> Avenue. The plat includes 15 two-unit condominium buildings. In addition, consideration of the zoning map amendment and text amendment, the planned unit development that corresponds with their Arbor Ridge development.

The conceptual plan as conditionally approved for the development includes a 55 acre area generally located at 94<sup>th</sup> Avenue and Prairie Ridge Boulevard. The Arbor Ridge condominium project, the entire project, is 15 two-unit buildings, 5 four-unit buildings and 8 six-unit buildings. In addition, the PrairieRidge Senior Campus Apartments is also part of the overall development. Phase 1, which is currently completed, is 120 units of senior apartments; Phase 2 is a 71 unit building; Phase 3 is a 70 unit building; and Phases 4 through 7 260 units total within two buildings.

As shown on the CSM, the only new public road within the development is 97<sup>th</sup> Court. Peggy is identifying that for you, and the remainder of the new roads are private roads including 96<sup>th</sup> Avenue, 81<sup>st</sup> Street, 98<sup>th</sup> Circle, 82<sup>nd</sup> Place and Ridgeway Court. The private roadways have been designed and are being built to the Village's public roadway specifications. Sewer, water and storm sewer is public and is located within easements dedicated to the Village, and I believe it's just finished completion with respect to its construction.

Zoning map amendment, on January 17, 2005 the Board approved Ordinance #05-06 to rezone the development property as follows: The R-8 designated areas for the condominiums that we're talking about this evening would be in the Urban Two Family Residential District. The R-10 areas would be just to the north/northwest, Multifamily Residential District area, and the R-11 Multifamily Residential District area would be identified by the senior housing apartments.

The UHO, or the Urban Landholding Overlay District would remain on the property until such time as the detailed plan unit development is completed. Two separate PUD's will be developed. We are finishing one for the senior housing component, and the other one is for the condominium component that you have before you.

The final condominium plat for the first stage of the Arbor Ridge Condominiums, again, 15 two-unit buildings, and on the screen and in your packets is the layout of the final plat for that development.

In your packets and on the screen I'll go over, there are various floor plans that includes basements and first floor areas. They show the square footage as well as the second floor square footage. There's an illustration of what the front of the unit looks like and then the floor plan for Plan A and Plan B, and that one actually has kind of a walk out basement that you can see right there. Plans C, D and E their square footages are indicated. Again, these square footages range from 1,300 up to 1,600 square feet plus a second floor for each unit.

The planned unit development zoning map and text amendment to rezone the area for the first stage of Arbor Ridge would go into the R-8 PUD designation, the zoning text amendment, the specific PUD requirements for the first stage of the Arbor Ridge Condominiums as presented. Additional brick colors and siding colors and associated numbers shall be submitted to complete Exhibit 2 of the PUD ordinance. The PUD as you saw it is very, very specific, down to the units, the floor plans, the square footages, the colors of the brick, the colors of everything. Everything is very, very specific. We don't want to create any monotony, and yet we wanted to make sure that these provisions are set forth in the PUD and then this information is there for the condominium association.

Under the PUD requirements, they will be required to comply with all federal, State, County and Village ordinance regulations except as expressly modified in the PUD ordinance, the declaration of condominium for the Arbor Ridge Condominiums and the final condominium plat for the Arbor Ridge Condominiums. All private streets shall be designed and constructed in accordance with Village specifications with private utilities and 66 foot wide easements under private roadways.

Public bike path shall be five feet wide, shall be concrete, and it's actually completed in its construction. We actually have it barricaded off until the rest of the condominium development can be completed so that it's safer for the children in the area. Maintenance of private roadways, signage, landscaping and other site improvements shall be maintained by the condominium association.

Any unit which is owned by the declarant may be rented as an individual apartment for a period of no less than one year provided, however, that at no time shall more than 20 percent of the completed units be rented as individual apartments. Prior to leasing the unit the declarant shall deliver to the association written notice of the name of any person leasing such unit and the commencement and termination dates of the lease. No unit owner other than the declarant shall lease any unit as an individual apartment. That was something that the Plan Commission and the Board had worked out with V.K. It was very important that these not become rental units for the adjacent neighborhood.

The PUD allows for 15 condominium structures with no more than two units per structure. No detached private garages, gardening tool or storage sheds, swimming pools or fenced areas allowed. The building elevation shall be in compliance with the approved plans, and the height shall not exceed 35 feet. The buildings shall have full basements. All building units shall have two car attached garages, a minimum of 460 square feet. The main roof of each structure shall have a minimum roof pitch of 8:12, a garage roof pitch of 5:12. No overhead garage door shall

face the public street. A minimum of 50 percent of the lot shall remain as open space and shall be landscaped as shown on Exhibit 3.

Setbacks are very specific, 30 feet to the right of way of 94<sup>th</sup> Street and 97<sup>th</sup> Court; 65 feet to the right of way of County Highway C; 25 feet to the back of curb of the private street. Setback between buildings a minimum of 20 feet; rear setback of 30 feet.

I will not go over and read this in detail. I'm sure that you had an opportunity to take a look at that for yourselves, but these are all the specific building colors and materials for all of the units and what they can be and what they can't be in relation from one unit to the next. We do have all these color samples available, and I'm sorry I don't have them sitting right here. But if anyone is interested you can certainly go through any of those.

Final condominium plat for the first stage of the Arbor Ridge Condominiums. This is a matter for public hearing. Both items, again, the final condo plat as well as the zoning map and text amendment.

Tom Terwall:

Matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff.

Jim Bandura:

Is the petitioner aware of the conditions?

--:

Yes.

Jim Bandura:

I'll make a motion to approve then.

Wayne Koessl:

I'll second that.

Tom Terwall:

**THERE'S A MOTION BY JIM BANDURA AND A SECOND BY WAYNE KOESSL THEN TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE FINAL CONDOMINIUM PLAT 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. Motion is in order for the zoning map amendment.

Jim Bandura:

I'll make a motion also.

Wayne Koessl:

I'll second.

Tom Terwall:

**MOTION BY JIM BANDURA AGAIN AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT AND THE 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.

**I. CONSIDERATION OF A ZONING TEXT AMENDMENT to the principal uses in the M-2, Heavy Manufacturing District to create Section 420-124 B (121) to allow Military Museums as a permitted use in the M-2 District.**

Jean Werbie:

Mr. Chairman, on June 17, 2002, the Plan Commission adopted Plan Commission #02-20 to re-evaluate the Manufacturing District regulations in the Village. The Village has been evaluating these districts and anticipates amendments to all of the District before the end of the year; however, at this time the Village staff is recommending the following text amendment to the M-2, Heavy Manufacturing District, to allow for military museums, including the related display, demonstration, acquisition, storage, restoration, repair, maintenance and sale of military equipment, but not including the firing of any weapons, provided that all related activities except customer and employee parking and loading shall be conducted entirely within a building as a permitted use in that district.

The ordinance shall become effective, after posting in three public places, only upon the satisfaction of each of the following conditions precedent within 180 days after the adoption of



the ordinance. So this would be a conditional zoning text amendment. The conditions would be as follows:

- a. Mark S. Sunday, Joyce V. Sunday and/or the Kenosha Military Museum, if the museum is a separate legal entity, obtains a lease for the conduct of the museum at 9201 Wilmot Road in the Village of Pleasant Prairie; and
- b. Mark S. Sunday, Joyce V. Sunday and/or the Kenosha Military Museum, if the museum is a separate legal entity, submits a complete application to the Village for site and operational plan approval with respect to the proposed conduct of the museum at 9201 Wilmot Road pursuant to Article IX of the Village Zoning Ordinance, which application is granted.

Tom Terwall:

This is a matter for public hearing. Is anybody wishing to speak on this matter? Yes, sir? You're a patient gentleman. Although you probably didn't know what you were in for when you got here at five o'clock.

Carl Robinorst:

My name is Carl Robinorst, 7801 88<sup>th</sup> Avenue. The agenda proposes modifying the zoning ordinance to permit military museums in M-2 Districts. As you can see what they're talking about here is to use basically the old Tri-Clover building that's been abandoned for years, and it's also directly across from Pleasant Prairie Elementary School. If rent for that facility is \$400,000 a year, and utilities for that facility are \$10,000 a month, how can it be an economically viable option to relocate an existing 5013C nonprofit organization into a facility that's going to cost over half a million dollars a year to lease?

Second question or other questions include, how do you get oversized military vehicles into a low bay manufacturing facility? And how do you prevent a 60 ton tank from destroying the floor? And then how do you get the museums collection of firearms located in a building which is directly across from a school, if the school ends up be drug free and gun free school zones? So my recommendation is until these questions can be adequately addressed, any discussion of this be tabled.

A second thing we may want to take a look at would be to expand the proposal to include M-1 Districts, to work with the M-1 or M-2 for the same proposed conditional use. Thank you.

Tom Terwall:

Anybody else? Yes, sir?

Alex VonNewman:

I've got a question and a statement I wish to make.

Tom Terwall:

Need your address and name first.

Alex VonNewman:

I'm a military vehicle owner.

Tom Terwall:

I need your name and address, sir.

Alex VonNewman:

Alex VonNewman, 10433 39<sup>th</sup> Avenue right up the road, and I am a military vehicle owner. I'm also antique and collectable vehicle owner. And as far as firearms in a military museum they're all deactivated. You don't have any worries there. None of them are able to be fired. And it's sort of ironic that Sondag has been given all of this problem. We've got a group of citizens and a group of City people that want to build a military museum in Kenosha and they want taxpayers to pay for it. Pleasant Prairie has got a military museum that it's all bought and paid for and there's a lot of money involved in it. This one tank, in particular, is coveted by Knoxville Military Museum because it's a very rare item. I would hesitate to put a price on the vehicles that are involved because they're not being made anymore, for one thing, and this man is pursuing a dream. Everybody should have a dream and he's got the money to pursue it. So he built this museum. He bought and paid for all the equipment. Bought it all legally. Paid cash for it. You don't buy anything from the government without paying cash for it, and they're all his legally. He's the owner.

Here he's trying to pursue a dream, and Pleasant Prairie has got a military museum on a frontage road with a lot of visibility and he's known all over the world by military people, people that have military museums. He's known all over. I just hesitate to figure how many people would actually own, and I wouldn't have any idea how much is involved in cash and how much this stuff is worth. I've got a vehicle when I get through with it will probably be worth about \$20,000. But I put a lot of work into it. And I not only bought \$500 on the initial purchase, but that's what vehicles are now. They're just going out of style. So we have a chance to have a military museum without any taxpayers' expense. Absolutely no--it's all bought and paid for. Put that in your bee bonnet and think about it.

Tom Terwall:

Is there anybody else? Anybody else? Hearing none, I'll open it up to comments and questions. Go ahead, Mike.

Mike Serpe:

Mike, have they indicated an interest in the Tri-Clover building?

Mike Pollocoff:

No. No, they haven't, and they haven't really indicated an interest in anything that the Community Development Authority has located. We're at that point now where we're seeking out sites, one, where we feel that they can do business in the Village and be able to operate within the codes and ordinances that we have.

With respect to the questions as far as the rent, the rent's the rent. When we acquired the property they were making a lot of money on it at that point, so if it's changed since we acquired the business or the land that's news to us.

As far as the oversized doors, by statute the Community Development Authority is required to make modifications to the building to be able to accommodate the change in use and change of operations. If that's beefing up the floor to be able to handle something, if it's putting in aircraft hanger doors to be able to bring equipment in and do that, that would be an expense that the Authority would have as part of relocation, and the Authority would be relocating all of the artifacts up to the new site.

With respect to guns, they've indicated to us that they need to be able to have a vault to store the guns in. Again, that would be an expense of the Authority to construct a vault, something they don't have now, to put the guns in there. So by statute we're required to make those modifications to any site that we would locate them to so that they can conduct business there.

I wouldn't recommend this use in an M-1 District, although you could maybe make the case that it would be an acceptable use in an M-2 District other outside of this area here. But given the fact that the Tri-Clover building is available, it hasn't been abandoned for years, there's another user in there at this time and I think we probably went about a year and a half to two years when nobody was in there. It's a suitable building. We feel that it's very close to the Interstate. It's a direct hop off from C. The fact that there's a school across the street I think is a good thing for those kids. They're going to be able to go over into a controlled environment under roof and see the artifacts. So I think it's going to be a positive thing in the sense that whatever artifacts that Mr. Sondag has we can get them all under roof and it's won't be a seasonable museum, it can be an everyday, bad weather or good weather.

Jim Bandura:

You said that should this come about, everything would be under roof? All of the equipment would be with the exception of maybe the display?

Mike Pollocoff:

There could be a display vehicle worked out but, again, it's part of the zoning ordinance.

Jim Bandura:

And, as Tom would say, we would have the chance to . . . .

Mike Pollocoff:

Well, they would come in. There's a notice in here they're going to have to submit a site and operational plan review. We're in the process of offering this to them, and if we feel as we go through it and they do their investigation and we do ours we think it's a good site, we're going to offer it as a site. They may not accept it. The State Department of Commerce is going to review the proposed relocation plan and put their approval on it. But this is something that the Community Development Authority is undertaking as part of their redevelopment of the Interstate.

We feel, based on some of the sites we've looked at that we've identified for them and that they've rejected, that this tends to take care of a lot of the issues that they've had, because really they haven't found anybody that's welcoming them, anybody in the County that's willing to welcome that use in their community because of the nature of the business. It tends to look like a salvage yard. That's been a problem that has been out there from the other communities. Whereas at this point we can do something to help that get established, get them under roof, make it viable, make it so it's more usable during all times of the year.

John Braig:

This sounds like it really has some good potential. Despite of what Mr. Sunday things, I think for the ordinary individual zipping pass his site on the expressway it looks like a junk yard. The idea of getting it under roof and making a year 'round operation the whole business it could really be something positive. Plus, as the other gentleman indicated, this museum already is quite nationally renowned, so the requirement to be on the expressway is rather significant. I think if it's located on Highway C it would be equally available to the people that might seek it out. I think it's an excellent idea.

Tom Terwall:

Is that a motion?

John Braig:

That's a motion.

Jim Bandura:

Second.

Tom Terwall:

**MOTION BY JOHN BRAIG AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE REZONING 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.

Alex VonNewman:

I have another . . .

Tom Terwall:

Go ahead.

Alex VonNewman:

There's a question you might have. You're worried about your roads? They're not going to run that tank down the road. And the equipment they're going to move that tank with is multi wheeled and they can move it over a plowed field so you don't have to worry about them wrecking your road or anything like that.

Tom Terwall:

Good point.

Alex VonNewman:

I sure hope you accept it. You've got the ideal place right where he's at now.

Mike Pollocoff:

One thing we're going to be doing is airlifting. We don't think we're going to truck it. We're going to airlift it.

**J. Consider the request of John Dulec agent for A-Life II, LLC owners for approval of the Certified Survey Map to subdivide the property located at 9101 39<sup>th</sup> Avenue into two (2) properties.**

Jean Werbie:

Mr. Chairman, the petitioner is requesting to subdivide their property located at 9101 39<sup>th</sup> Avenue into two properties. The property is zoned R-4, Urban Single Family Residential District, with an Urban Landholding Overlay District. The District requires that all new lots be a minimum of 15,000 square feet in area with a frontage of 90 feet of frontage on a public road.

< Lot I is proposed to be 20,496 square feet with 95.84 feet of frontage.

< Lot II is proposed to be 20,496 square feet with 98.84 feet of frontage. Lot II has an existing house with an attached garage. An addition to this home is currently under construction.

The home on Lot II is classified as a legal but non-conforming structure, as a permit was issued on August 22, 2005 to construct an addition on the south and north sides of the existing non-conforming house. The additions shall meet the required 65 feet setback from the street property line at the time that the permit was issued not the front setback after the additional right-of-way is dedicated by the Certified Survey Map. Upon approval and recording of this CSM the addition will also be classified as a legal but non-conforming structure.

The Village staff recommends approval of the Certified Survey Map subject to the following comments and conditions as outlined in the staff memorandum.

Mike Serpe:

So moved.

John Braig:

Second.

Tom Terwall:

**MOTION BY MIKE SERPE AND A SECOND BY JOHN BRAIG TO APPROVE. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Before we adjourn I just want to make one comment.

John Braig:

Me, too.

Tom Terwall:

Those Village Board members that support the beginning of meetings at 5 p.m. are still in attendance at 9:15. Those that favored starting the meetings at 7:30 are long gone.

John Braig:

I was going to make a comment comparable to that. I have another one. Short and brief, Deluxe Video became aware of the no storage ordinance in the Village some time ago, and I thought they gained compliance by removing everything. Their south parking lot is full of junk again.

Mike Pollocoff:

Is that the Deluxe on 116<sup>th</sup>?

John Braig:

Yes.

Mike Pollocoff:

Okay.

John Braig:

Staff will address it I hope. Thank you.

**7. ADJOURN.**

John Braig:

Move adjournment.

Mike Serpe:

Second.

Tom Terwall:

Those in favor aye?

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.