

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
November 7, 2005**

A special meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on November 7, 2005. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. Eric Olson was absent. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**

Tom Terwall:

. . . we received a letter from Mrs. Tisinai as well. That's not an agenda item so we don't have to officially recognize that, is that correct?

Jean Werbie:

That's correct. It's actually correspondence that should have been provided to the Zoning Board of Appeals because they're the ones that would be answering any questions and holding the public hearing with respect to any setback variances. We are in negotiations with that developer right now as to whether or not that hearing still needs to move forward or if they can come with any options. But we will certainly forward her information to the Zoning Board of Appeals and the staff for them to review the information for that subdivision.

- 4. NEW BUSINESS**
 - A. Consider the request of Kurt Meeske, agent for Prime Outlets at Pleasant Prairie, LLC, for Site and Operational Plan approval for the construction of rear and side masonry walls (Retail Buildings A & B), building structural steel (Retail Buildings A & B), parking lot paving, curb & gutter, underground electric and other associated improvements for Phase V of the Prime Outlets regional retail center expansion project.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission, the petitioner is requesting approval of site and operational plans for the construction of rear and side masonry walls for the retail buildings A and B, building structural steel for retail buildings A and B, parking lot paving, curb and gutter, underground electric and other associated improvements for Phase V of the Prime Outlets

regional retail center expansion. The project is identified to be located on Tax Parcel Numbers 92-4-122-302-0107, 302-0108 and 302-0126.

This approval from the Plan Commission is necessary in order to allow the developer to continue to proceed to obtain the zoning and building permits for the development of the project. Final site and operational plans, which include final building elevations, will be submitted the week of November 6th for the November 28, 2005 Plan Commission meeting. So, again, the approval is needed this evening so they can actually get their building and zoning permits to start doing some structural work on the site.

With respect to some background information, as you know Prime Outlets is located on the west side of the Frontage Road south of 165. The Prime Outlets is continuing to acquire the Village's approvals in order to expand their regional retail center known as Phase V. They are looking at constructing two leasable retail buildings, Building A, which is the westernmost building at 59,267 square feet, and building B, the easternmost building, at 94,311 square feet. The two retail buildings will be constructed on approximately 12 acres. Additionally, Phase V proposes the construction of a proposed 11,000 and actually up to 20,000 square feet now, food, center court facility building, which will consist of lounge areas, food tenants, restrooms, information and a number of other resource related elements for the center.

Prime Outlets of Pleasant Prairie, on September 16, 2002, the Board approved through Ordinance 02-71 the Pleasant Prairie Prime PUD ordinance that allowed for some additional signage regulations and provisions for Phases I through IV. 02-71 also now applies to Phase V.

At the request of Kurt Meeske, Vice President of Development and Construction for Prime Outlets, the Plan Commission, Village Board and staff has taken all of the following actions for Phase V. We have completed a Village Comprehensive Land Use Plan Amendment. We have completed preliminary site and operational plan reviews and approvals. We've approved a master conceptual plan for the project. We completed a zoning map amendment and held hearings related to that and approved the zoning map amendments. We have entered into an agreement pertaining to municipal water connection and fire suppression system and security issues which we have now I believe this afternoon have finally finalized that agreement which will allow them to proceed ahead and get their building and zoning permits this week.

We've also approved a zoning map amendment and zoning text amendment related to the PUD. We've issued the erosion control permit. We've approved the street vacation. We've approved the site and operational plans and permits for underground utilities, and site and operational plans and permit for early footings and foundations. Again, when we started this whole process you knew that this was going to be kind of a more drawn out process because we were approving as we were going through the process, but we wanted to make sure that the Plan Commission and the Board were aware of every step of the process and the approvals that were being sought by Prime.

As the Plan Commission is aware, the Plan Commission, staff and Prime have worked diligently together over the past several months on the Phase V expansion project. To date, the installation of erosion control measures, grading of the site and installation of some underground utilities and installation of footings and foundations have been completed or retail buildings A and B. According to Prime the target date to open the two Phase V retail buildings is still July 4, 2006.

Prime is seeking site and operational plan approval in stages with the project essentially taking two separate construction tracks. The initial construction track is for the two retail buildings, and the center court building will follow with the subsequent construction track. Pursuant to Prime representatives, applications for the center court building will lag approximately 60 days behind the applications for the retail A and B buildings.

In order to keep the Phase V expansion project moving along and on schedule, this stage of site and operational plan application is for installation and construction of the following: rear and side masonry walls for retail buildings A and B; structural steel for retail buildings A and B; parking lot and maneuvering lanes, this is important because we want to get that in before the asphalt plants close down for the season; curb and gutter; underground electric lines for parking lot lighting; conduit for on-site security system; interior plumbing; irrigation sleeves; underground electrical services and door frame and masonry; as well as commencement of the security system on the site.

If the Plan Commission approves of this stage for the site and operational plan application, it will enable Prime to continue with the progression of the Phase V construction project prior to receiving the final final site and operational plan approval from the Plan Commission which is tentatively scheduled right now for November 28, 2005 for that meeting.

The petitioner is here if you'd like to hear any type of further presentation from them. The staff has been working diligently with them over the past week or so to really get things put together with respect to the final agreements. There are some things that need to be submitted to the Village this week, and our conditions of the permit we're going to give them a couple of days to get everything together. They have to get the checks to us, the letters of credit. We have to get the agreement signed by all the parties. We need to get the \$80,000 donated to the police department for security related issues. And we just have to get all the final i's dotted and t's crossed with respect to the building permit which we intend to do over the next seven days.

Tom Terwall:

Comments or questions?

Don Hackbarth:

Jean, I don't know if this can be brought up tonight or not. I'll bring it up anyway. But the idea of the security cameras two weeks ago for two days I was in a conference on Homeland Security. They hosted a conference because they're throwing all kinds of money around now for free conferences and if you get a chance to take it you take it. It's sort of like the CERT thing only on a higher level. They were talking about the need for security now and liabilities if it's not done. It was a very frightening conference I'll tell you. Anyway, there was a gentleman, the SWAT team leader from Waukesha and he said about any businesses and what's the best thing they can do in order to not be sued. And there was an actuary there and he stood up and he said shut down. And then after he said that, then he started talking about other security issues.

There's an organization I believe called CPTED (Secretary's Note: Crime Prevention Through Environmental Design). It's a group that comes in and says you're really nuts if you don't get these people on to look at your building designs and plans, because they look at areas where things can happen, security issues where there's a hallway or a dark spot or a door is locked or whatever where a rape could occur or anything nasty could occur which you're liable for.

They'll sue you. He said that was a good thing in any building design to have them come in and take the final approvals or designs. They can look at designs and say that's not a good area. There's a couple little things you can do to redesign it.

He talked about the issue of security cameras, and he said today, and especially in public areas, they're almost a must, because even in the parking lot if something happens you're going to get sued for millions and millions of dollars. He even gave an example of a company that had these security balls in their corridors and they just put them up as dummies. They had no camera in it. They just thought, well, we'll give that sense of security. And what happened is a person got raped in one of the hallways, and they sued and she received a settlement of over two and a half million dollars because they were projecting a false sense of security with not a camera in there.

He also said in your manuals for emergency systems, even if you've got active cameras in your halls you have to write in your policy manual that from time to time they either need to be maintained and may not be in operation, or from time to time they break down. Because if you don't put that in your manual, again, lawsuits are so frivolous but they're winning. People are winning today. I don't know if the security camera is still an issue but I think you're nuts if you don't put the in. And our church is going to be putting them in ourselves just because of that conference. It's just a very dangerous thing to think you're going to get away from lawsuits or whatever by not putting security in.

The fellow also said you've got to be careful in your landscaping design because you've got to be real careful with shrubbery and stuff that you don't create a hiding place for somebody to come out and grab. Walls you've got to keep at a minimum. You keep them as low as you can if that's a barrier or something like that. So I would just address that issue of security. I think you'd be foolish not to put them in, foolish because you're going to pay for it down the line anyway.

John Braig:

Did they say anything about trees?

Tom Terwall:

John, you have a comment?

John Braig:

No comment.

Jim Bandura:

Jean, you're okay with it and the negotiations are going okay?

Jean Werbie:

With respect to the agreement, my understanding is that we reached agreement this evening. The Prime representative has effectively nodded yes in the audience for the record. After this meeting this evening I would like to see if we can make some additional changes and then we can get some final resolve to this agreement in the next day.

Jim Bandura:

We don't need to get him in on the conditions, do we?

Jean Werbie:

The conditions as set forth in the staff comments are conditions of approval, all of which we were working on in order to have all these documents delivered and executed this next week with the Village. The agreement, the letter of credit, the letter saying that they've commenced installation of footings and foundations, the \$80,000 donation, all of these items right here we are looking to have put in final form for us to have within a week.

John Braig:

I'm confident that the staff has worked well on this and has got the matter pretty much under control. If there's no other comments I would move approval.

Mike Serpe:

I'll second that. One question. Kurt, is she a tough negotiator?

John Braig:

How can he answer that.

Tom Terwall:

It's been moved and seconded to approve the site and operational plan subject to the terms and conditions outlined in the staff memorandum.

Jean Werbie:

I just did want to mention that the police department has people on staff that are certified to do those SEPTTEC reviews. They have already completed one on this property, and each property that we are looking at from a commercial standpoint as early as the conceptual plan process I think it's Randy Miles on the police department staff that has been reviewing the projects and has offered suggestions to various commercial entities regarding their projects.

Tom Terwall:

We have a motion and a second. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. I want to commend staff and representatives for the developer. I know it's a lot of work that's gone into this. I know it hasn't been easy, but I think we've come to a successful completion. Thank you very much.

5. ADJOURN.

John Braig:

Move adjournment.

Judy Juliana:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.