

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
November 14, 2005**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on November 14, 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.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF THE OCTOBER 24, 2005 PLAN COMMISSION MEETING.**

Tom Terwall:

You've received them in written form. What's your pleasure:

Larry Zarletti:

Move approval.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY LARRY ZARLETTI AND SECONDED BY JIM BANDURA TO APPROVE THE MINUTES OF THE OCTOBER 24, 2005 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 5. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for Items A under Old Business or A under New Business, those are matters for public hearing. We would ask that you hold your comments until the public hearing is held so they can be incorporated as part of the official record. However, if you're here for any other item on the agenda or any item not on the agenda now would be your opportunity speak. We'd ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak?

6. OLD BUSINESS.

A. TABLED 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 3rd Avenue south of 110th 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 permit to allow the owner to fill the area for the installation of a driveway from 3rd Avenue to the non-wetland portion of the site. The LUSA, Limited Use Service Area Overlay District will remain on the property.

Tom Terwall:

Do we even need to take this off the table to keep this on the table?

Jean Werbie:

I'd like for you to take it off the table for me to read the comments into the record, and then the staff is going to recommend that you table it again.

Wayne Koessler:

So moved, Mr. Chairman.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO REMOVE THIS ITEM FROM THE TABLE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman and members of the Commission, this is the request of Richard Steffes, agent for Laurel Steffes & Georgette Bates owners of the vacant property generally located on the west side of 3rd Avenue and south of 110th Street to rezone a 15 foot portion of field delineated wetlands seven feet from the south property line from the C-1, Lowland Resource Conservancy District, to the R-5, Urban Single Family Residential District as result of some Wisconsin DNR approvals and permits.

As the Plan Commission will recall, at the September 12, 2005 meeting, the Plan Commission voted to table this issue regarding the zoning map amendment at the request of Richard Steffes, agent for Laurel Steffes & Georgette Bates, owners of the vacant property generally located on the west side of 3rd Avenue south of 110th Street.

The zoning map amendment proposes to rezone a 15 foot portion of the field delineated wetlands seven feet from the south property line from the C-1, Lowland Resources Conservancy District, to the R-5, Urban Single Family Residential District, as a result of a Wisconsin DNR approval and a permit to allow the owner to fill the area for the installation of a driveway from 3rd Avenue to the non-wetland portion of the site. The LUSA, Limited Use Service Area Overlay District will remain on the property. The property is identified as Tax Parcel Number 93-4-123-304-0240.

On September 12, 2005, the Plan Commission voted to table this issue until the October 24th meeting. On the October 24, 2005 Plan Commission meeting, they voted to table the rezoning until November 14, 2005 Plan Commission meeting. The reasoning behind the Plan Commissioner's tabling of the zoning map amendment request was in order to allow the Village Board to hold a public hearing regarding the proposed Carol Beach Estates Unit No. 2 Storm Water Management Plan. The Storm Water Management Plan is intended to alleviate storm water drainage issues in Unit No. 2.

The Carol Beach Unit No. 2 Storm Water Management Plan has not yet been addressed by the Village Board. The Village Board is scheduled to address the proposed Storm Water Management Plan during its December 5, 2005 meeting. In addition, on October 24, 2005, the Village received a copy of a letter, and that's attached in your packets, from the Wisconsin DNR to Mr. Alan Zahn and the adjacent property owner, and they were granted a contested case hearing related to the DNR permit issued to fill a small portion of the wetlands for the driveway.

Therefore, the Village staff recommends that the tabled application of the zoning map amendment continue to be tabled until the DNR holds the contested case hearing granted to the adjacent property owner. New notices will be sent to the adjacent property owners at the time that the hearing will be held. Again, the Village Board is set to consider the Unit 2 Storm Water Management Plan on December 5th. So the staff is recommending that there be some resolve to both of those issues before this be considered for future amendment recommendation.

Tom Terwall:

Are you suggesting a date specific as far as the continued tabling?

Jean Werbie:

I don't have a date specific, so I would just recommend at this point that it be tabled and any and all individuals that were notified in the past we will have to send out new noticed identifying the new date when we have one.

Don Hackbarth:

Is this going to set a precedent?

Jean Werbie:

I don't think so. We have not had too many requests for contested case hearings in the Village of Pleasant Prairie.

Don Hackbarth:

Going over a wetland like that just for access to a property?

Jean Werbie:

No.

John Braig:

Does the Village receive notification of when the contested hearing is scheduled?

Jean Werbie:

Yes, we will receive a notification.

John Braig:

I'd appreciate knowing when that is.

Larry Zarletti:

Mr. Chairman, based on the staff's recommendation I would move this item be tabled.

Wayne Koessl:

I would second that Mr. Chairman.

Tom Terwall:

MOTION BY LARRY ZARLETTI AND A SECOND BY WAYNE KOESSL TO RETURN THIS ITEM TO THE TABLE PENDING OUTCOME OF THE CONTESTED HEARING

AND THE VILLAGE BOARD CONSIDERATION OF THE FLOODPLAIN. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. On a related subject, has there been any update as far as what's going on south of 116th Street east of Sheridan Road? Have those meetings begun, not begun? Progress being made?

Jean Werbie:

The meetings have not begun. The developer has been working with his engineer to do some further groundwater study and analysis, and he is going to be presenting that information to the staff. The Nature Conservancy of Wisconsin has also hired a hydrologist in order to do further study and analysis. A letter I received actually today indicates that a preliminary report is going to be forthcoming to the Village sometime in November, and other interested parties have contacted me and we've gotten some input and have had dialogue back and forth but we've not held a meeting yet because we would like to have all the information that everyone has worked on pulled together, and then we'll invite SEWRPC and all of us will sit down together sometime in the next probably 30 to 60 days.

Tom Terwall:

As a part of that evaluation are they going to look at why we aren't seeing any deleterious effects to the wetlands north of 116th Street for all kinds of development that's occurred? Is that going to be addressed do you know?

Jean Werbie:

I don't know.

Mike Pollocoff:

I don't know, but I think that any model that comes up is going to have to evaluate that as a constant.

Tom Terwall:

In this case that wouldn't even be modeling. That would be fact. The amount of development north of 116th west of the tracks is pretty extensive.

Mike Pollocoff:

They may want to take a look at, and I guess the best example would be, where Unit 1 is to see whether or not what they're predicting will be the case south of 116th Street is to do some soil borings north of 116th Street and see how that fen is operating there because it seems to be doing

very well. It could just be the nature of the soils in that area. But the engineer or the professor that prepared the model he admitted that it was a model that was only directed towards one specific thing, that he hadn't tried to apply that to other areas in Carol Beach. I think that's what The Nature Conservancy is working to come to grips with now with their hydrologist. I think the developer has a hydrologist he's retained to look at his side of it.

7. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Timothy Jensen of Prudential Premier Properties, agent, for Country Corner LLC, owner of the property generally located on the east of 88th Avenue at 72nd Street for the proposed 8 lot single-family subdivision to be known as the Edgewood Subdivision.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, on February 23, 2004, the Plan Commission had held a public hearing, and on March 1, 2004, the Village Board had conditionally approved a conceptual plan for the Edgewood Subdivision. Conceptual plans are valid for only one year. Prior to the expiration of the plan, the preliminary plat should have been submitted to the Village and considered by the Plan Commission and the Board, or a request for a time extension should have been requested. Since neither was submitted or considered, the approval of the conceptual plan for the Edgewood Subdivision conditionally approved on March 1, 2004 has expired.

The petitioner is again now requesting to create an eight single family lot subdivision with one outlot on property generally located east of 88th Avenue at 72nd Street to be known as the Edgewood Subdivision.

The development is located within the Prairie Lake neighborhood. Pursuant to the Village's Comprehensive Plan, the neighborhood shall develop with densities not to exceed the upper medium residential classification. In other words lots should be between 6,200 and 11,999 square feet per unit or lot. The Village staff has evaluated the area and has determined that a neighborhood plan will need to be completed for this development to proceed due to the isolated nature of the property, the environmental limitations surrounding the development, the availability of sewer and water to service this site, and the fact that all lots proposed are greatly exceeding the recommendation of the Comprehensive Plan.

For residential development, the conceptual plan proposes to develop 4.62 acres with eight single family lots; 38,601 square feet of land will be used for public right of ways, .79 acre will be designated as open space; and a 15 foot strip north of the proposed right of way or .05 acres is proposed to be added to the adjacent property to the north. The lots range in size from 15,044 square feet to 18,153 square feet. The average lot size is over a third of an acre at 15,778 square feet. The density for the development is 2.43 units per net acre.

Population projections: 22 persons are likely to come from this development at full buildout. The Village provides copies of proposed developments to the Kenosha Unified School District to assist in their budgetary and long-range planning efforts, and pursuant to the information provided to KUSD for Pleasant Prairie three public school age children are likely to come from this development which is 42 percent of eight households.

Under open space, approximately .79 acre or 17 percent of the development is proposed to remain in open space. The open space within the development includes .39 acre or 16,864 square feet of wetlands, and that's in outlot 1 which is in the southeast corner of the development side, and the proposed retention facility is also located in outlot 1 in that southeast corner. The wetlands on outlot 1 were identified in the field on December 23, 2003 by Dave Meyer with Wetland & Waterway Consulting LLC and approved by Mike Luba with the Wisconsin DNR on February 2004.

Under tree preservation, along the perimeter of the property are a number of large evergreens and other large trees that are proposed to remain. The rear 25 feet of lots 1, 2 and 3, the rear 40 feet of lot 4 and the rear 50 feet of lots 5 through 8 are located within a Woodland Preservation, Access and Maintenance Easement that's proposed. Approximately seven to eight trees may need to be removed at the entrance and adjacent to the proposed retention basin in outlot 1 as shown on the slide.

Municipal sewer and water: A municipal sanitary sewer main is located in 88th Avenue and will be extended into the development into the proposed 72nd Street. Municipal water is proposed to be extended by the developer in 88th Avenue from 74th Street to service this development. Municipal water is required to extend the length of the development that abuts 88th Avenue and in 72nd Street. A ten year right of recovery could be afforded to the developers for municipal water installed in 88th Avenue if approved by the Village Board for improvements as specified below. The actual cost for the municipal water improvements will be provided at the time the final engineering is completed.

The parcels listed below would only need to pay the cost if they choose to connect to the municipal water services or as a condition precedent to land division or if they apply for a building permit for a new principal structure on any of the lots. A special assessment public hearing for these off site water main improvements will need to be scheduled by the Village Board related to these pending costs prior to the approval of the final plat. As you can see there are six tax parcel numbers listed. The current address and current owners have been identified in the staff comments.

Retention and detention: The developer's engineer has evaluated the development site, and based on actual field conditions has provided a storm water management facility plan to handle storm water management within outlot 1 of the development. Outlot 1 will need to be dedicated to and maintained by the Edgewood Homeowners Association.

For the zoning map amendment the property is currently zoned R-4, (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District. The single family lots are proposed to be zoned R-4; the field delineated wetlands in outlot 1 would be rezoned into the C-1, Lowland Resource Conservancy District; and the non-wetland areas on outlot 1 would be zoned into the PR-1, Park and Recreational District. The R-4 District requires that all lots have a minimum of 15,000 square feet and minimum frontage of 90 feet which can be reduced on a cul-de-sac as shown. All lots meet and exceed these requirements, and the average square footage of the development is 15,778 square feet with the density for the development of 2.43 units per net acre.

This is a matter for public hearing. The staff has attached in your packets a series of conditions from the original time that we reviewed this of all the different conditions for approval and moving onto the preliminary plat step.

Tom Terwall:

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

Mary Garnet Hayes:

Mary Garnet Hayes, 7124 88th Avenue. I'm directly across the street from the proposed subdivision. I think I now understand about water hookup that we would not be forced to hook up to the water within the ten years unless we chose to rebuild a structure, is that correct?

Tom Terwall:

That's correct. If you wait until the 11th year and the hook up there's no cost.

Mary Garnet Hayes:

Okay, thank you. I have a concern for runoff, and I see they have the outlot in the back with a retention basin. Now, is this subdivision going to be level with current street or like lower than grade, because everything in the neighborhood dumps into my yard because everyone is higher than I am, so I have a real concern with water runoff.

Tom Terwall:

You live across the street?

Mary Garnet Hayes:

Directly across the street. The road going into the subdivision will be right across from my driveway, and then my south property would be directly across lot number 8.

Tom Terwall:

Mr. Bourque is right behind you. I'll let him answer that. Do you have any other questions, ma'am?

Mary Garnet Hayes:

Any further idea in the future, are they looking at widening 88th Avenue because of the exceptional number of homes being built down on 60th Street and all the subdivisions going west of us? Is there a proposed thing anywhere in the near future about widening 88th Avenue in the next 10 or 15 years?

Tom Terwall:

We'll answer that, too.

Tim Jensen:

Tim Jensen, 6040 39th Avenue, Agent with Prudential Premier Properties. I would like to address her question in just a second if I could, and thank the Village staff for their presentation so you guys can see what we're planning to do there. Due to Mrs. Maan de Kok's hectic schedule she's asked and hired our firm to proceed with this project and expedite it through completion. We assure you that there will not be delays like there was this last time. As you are aware, our firm and our President, Mark Bourque, who is here tonight has done many quality developments in the Village and we look forward to, like I said, taking this one all the way through with you guys.

In answer to her question, it's an issue that we're not aware of as far as storm water off site issues. We will take that into consideration and look at it. I do know we are draining all the storm water towards the back of the subdivision. There should be nothing flowing towards 88th Avenue according to our engineer who is Warren Hansen. So if you guys have any questions I'll still be available.

Tom Terwall:

Mike, there would be no way for water to flow across 88th Avenue then, is that correct?

Mike Pollocoff:

It would be highly unlikely. The prevailing pitch is from west to east. If there was water coming back you'd probably see Prairie Lake Estates with water up on their roofs, so it would be coming back all the way from Pike Creek and backing up that way. That's not to say that if there's a significant rain event, a 100 year event, because they're going to be required to design to the ten year even storm that we have. But if you have a significant event and the water can't get into the catch basin fast enough, you could have some backup there. But without the improvements it would back up even worse because there's no way to get the water out. So typically this should help. It won't help on her side of the street because there are no storm water improvements to collect the water over there.

Tom Terwall:

But the design of this is for it to flow east?

Mike Pollocoff:

Right. With respect to the road, that's on the County's jurisdictional plan. That's a County highway. I know when it was a State highway there was a plan for that to be widened out to four lanes, but that was 10 or 12 years ago. I think the County just rebuilt that road and redid it.

Mary Garnet Hayes:

It was just last year. And I knew before when it was a State highway there was, but I don't know what happened to change their position.

Mike Pollocoff:

I'd be surprised to see anything happen in the next 10 to 15 years to be honest with you.

Mary Garnet Hayes:

Thank you.

Tom Terwall:

Anybody else? Anybody else? If not, I'll open it up to comments and questions from Commissioners and staff.

Judy Juliana:

I just have a question. I'm looking on the concept plan and it says here there's a concrete County monument. What is it and where is it?

Jean Werbie:

I'm sorry, what's your question?

Judy Juliana:

. . . the monument

Jean Werbie:

The surveyor's monument for surveying. It's a monument. Those are surveyor's monuments for taking direction for town range system. It's not a historic or archeological thing, no.

John Braig:

I note in the southwest corner of this development there's an adjacent property with a residence which is almost on the line. Does anyone have any information how that came to be?

Jean Werbie:

I guess I don't have any information on how it came to be. I've been out on the site and I've seen it. The home is pre-1959 so it's pre-County zoning, so I'm not sure exactly what happened. There's a pretty significant tree line that's located just north of it, so I don't know that there was any ever discussion between the neighbors. There was never any plowing of that area next to the trees so it's always been quite hidden in there unless the developers know anything further. I noticed, I mean there were a couple of things on that property that do encroach onto this property. I think there might have been a fire pit or a concrete pad. We did notice some other things that encroached over onto this property and I'm not sure how they were going to resolve that. But, again, there's such a big thick wooded tree line with pine trees between the two that's going to be preserved, I guess it's going to be up to the developers to decide how that gets handled.

John Braig:

I guess my concern is these were two separate parcels for quite some time.

Jean Werbie:

Oh, yes.

John Braig:

And it's a land division of those lands.

Jean Werbie:

I think this was Mrs. Funk's property for a number of years and it had been farmed before the Maan de Koks had purchased it.

Mike Serpe:

To Tim or Mark, is it your intention to sell the lots off or are you going to build them as well?

Tim Jensen:

Due to the fact that Ms. Maan de Kok is not a home builder, we are just at this time hired to develop it and then sell the lots off.

John Braig:

Move approval subject to conditions outlined by staff and also with the further restriction that no more than eight trees be removed.

Mike Serpe:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM AND LIMIT THE TREE REMOVAL OF SIGNIFICANT TREES TO EIGHT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. Consider the request of Doug and Joan Stanich, owners of the property generally located east of 47th Avenue at approximately 114th Street for approval of a Certified Survey Map, Development Agreement and related documents to subdivide the

property into three (3) single family lots and extend municipal sewer and water to service said lots.

Jean Werbie:

Members of the Commission, the petitioner is requesting to subdivide the 3.6 acre property generally located east of 47th Avenue at approximately 114th Street into three single family lots and extend municipal sewer and water to service said lots.

The property is currently zoned R-3, Urban Single Family Residential District and the field delineated wetlands are zoned C-1, Lowland Resource Conservancy District. In addition, the Tobin Creek is located on the northern boundary of the property; therefore, the property is subject to shoreland regulations.

The R-3 District requires that the all lots have a minimum lot size of 20,000 square feet and minimum frontage of 100 feet on a public road. All the lots meet and exceed these requirements.

- < Lot 1 is 40,525 square feet with a frontage of 281.87 feet on 47th Avenue
- < Lot 2 is 47,653 square feet with a frontage of 100 feet on 47th Avenue
- < Lot 3 is 67,578 square feet with a frontage of 183.38 feet on 47th Avenue

The wetlands on the property were field delineated on May 31, 2001 and June 7, 2001 by the staff biologist of from SEWRPC and were rezoned into the C-1, Lowland Resource Conservancy District on July 1, 2002 by Ordinance #02-41. The location of the wetlands is shown and legally described on the CSM and the wetlands are located in a Dedicated Wetland Protection and Preservation, Access and Maintenance Easement. All new homes shall be a minimum of 25 feet from the field delineated wetlands located on the lots.

Lots 2 and 3 will share a driveway that crosses the wetlands. On August 27, 2002 a permit was issued by the Wisconsin DNR to fill this portion of the wetlands for a driveway and this portion of the wetlands were filled in 2002.

The location of the Ordinary High Water Mark of Tobin Creek has been identified and is shown and legally described on the CSM. All new homes shall be a minimum of 75 feet from the Ordinary High Water Mark. The petitioner has submitted a Stipulated Shoreland Permit application for grading activities within the shoreland setback. The grading activities include:

- < Installation of public water main and related restoration of the trenches at the north end of Lot 1; and
- < Foundation excavations and subsequent drainage grading for the homes to be construction on Lots 1 and 2 of the proposed CSM.

Permits from the Wisconsin Department of Natural Resources and the Army Corp of Engineers have been obtained and notices were sent to adjacent properties and written comments, in consideration of the request, will be accepted by the Village for the required 20 days until November 17, 2005. Upon the comment period ending the Village will set forth any conditions and stipulations.

Municipal Sewer is proposed to be extended from 114th Street to the east through Lot 2 of Mayberry Pond Subdivision within an easement granted by the adjacent property owner at the time that Mayberry Pond was platted and will continue in an easement between Lots 2 and 3 and connect to 47th Avenue and extend north to service all three lots. On June 20, 2005 the Board held a public hearing and adopted Resolution #05-38, A Final Resolution authorizing construction of public improvements and levying special assessments against benefitted property for the construction of sanitary sewer to Lot 2 of Mayberry Pond.

Municipal Water is proposed to be extended in 47th Avenue adjacent to all three of the lots. Municipal sewer and water will be installed through the wetlands pursuant to the permits from the DNR issued on July 25, 2005 and the Corp issued on June 16, 2005 for said work. The staff recommends approval of the certified survey map along with the related development agreement and associated attachments and all other related documents to this development subject to the comments and conditions outlined in the staff memorandum.

Tom Terwall:

Comments or questions?

Don Hackbarth:

Move approval.

Judy Juliana:

Second.

Tom Terwall:

ANY OTHER COMMENTS OR QUESTIONS? HEARING NONE, MOTION BY DON HACKBARTH AND A SECOND BY JUDY JULIANA TO APPROVE THE CERTIFIED SURVEY MAP 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.

C. Consider Plan Commission Resolution #05-15 to initiate a zoning map and text amendments for two properties located west of IH 94 annexed into the Village by Annexation Ordinance #11.

Jean Werbie:

Members of the Commission, Resolution 05-15 is a resolution to initiate a zoning map and text amendment. The Plan Commission may initiate a petition for an amendment of the Zoning

Ordinance which may include the rezoning of property, change in district boundaries or changes in the text. On July 5, 2005, the Board adopted Annexation Ordinance #11 in accordance with Section 66.0217 of the Wisconsin Statutes to annex two properties of land, 9.07 acres located at 12207 Wilmot Road identified as Tax Parcel Number 91-4-121-134-0125 and owned by Timothy C. Christensen; and property located at 12125 Wilmot Road identified as Tax Parcel Number 91-4-121-134-0121 which is now owned no longer by Thomas Cummings but is now owned by the Village of Pleasant Prairie Community Development Authority.

Whereas pursuant to Section 66.0217 (8) of the Statutes, the Village can and did annex the land with a temporary zoning classification as shown on Exhibit A. Both parcels will be zoned into the C-1, Lowland Resource Conservancy District. The first tax parcel which is 134-0121 is located entirely within the Floodplain Overlay District pursuant to the Des Plaines River Watershed Study of the Floodplain and Floodways prepared by SEWRPC. The majority of Tax Parcel Number 134-0125 is also located within the FPO or the Floodplain Overlay District pursuant to that study.

Whereas at this time the Village is proposing to hold the required public hearing to rezone the property in accordance with these temporary zoning classifications, and the Plan Commission by this process is hereby initiating and petitioning to amend the official zoning map and text as it relates to the property, the Plan Commission is not by this resolution making any determination regarding the merits of the proposed changes but is only setting forth the public hearing dates and staff prepared recommendations to consider the request.

John Braig:

Move approval.

Wayne Koessl:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND SECOND BY WAYNE KOESSL TO ADOPT RESOLUTION 05-15. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

D. Consider Plan Commission Resolution #05-16 to initiate zoning text amendments to the Village Zoning Ordinance related to updates pursuant to the Wisconsin Model floodplain zoning ordinance.

Jean Werbie:

Members of the Commission, Resolution 05-16 is a resolution to initiate a text amendment. Again, the Village Plan Commission may initiate a petition for an amendment of the Zoning Ordinance, and the purpose of this specific resolution is to request some changes to be made to the Village's floodplain ordinance section of the Zoning Ordinance.

On June 23, 2005, the Village received the attached letter that you have in your packets from the Wisconsin DNR requesting revisions to be made to the Village' floodplain ordinance in order to comply with the revised Wisconsin model floodplain zoning ordinance. The revised Wisconsin model floodplain ordinance was approved by the DNR and FEMA and was done to incorporate changes to conform to recent Administrative Code changes to NR 116, Wisconsin Supreme Court cases, and to respond to minimum standards of the National Flood Insurance Programs regulations found in 44CFR, Part 60.

All communities that participate in the NFIP must comply with these changes within six months, and failure to do so could result in suspension from the program. Whereas if the Village is suspended from the program, it would prohibit federal officers or agencies from approving any form of any loans, grants, guarantees, insurance payments, rebates, subsidies or disaster assistance loan of a grant, for acquisition or construction purposes within the floodplain areas pursuant to Section 202 as of Public Law 93-234 and obtain modernized FEMA map for the Village.

Whereas the Village staff has reviewed the current floodplain regulations, and on August 31 2005 sent a copy of our ordinance to the DNR to confirm that our ordinance was in compliance with the State's model floodplain ordinance.

On November 2, 2005 I received notification from Gary Heinrichs who is the senior floodplain manager with the DNR that there were some minor modifications that did still need to be made to our floodplain ordinance in response to some recent changes that were just made. So the purpose of this resolution then is for the Plan Commission to initiate and petition to amend the official zoning text and to initiate the process. The Plan Commission is not by this resolution making any determination regarding the merits of the proposed changes but is only initiating the process by which the changes can be promptly evaluated and presented for public hearing.

John Braig:

Move approval.

Larry Zarletti:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND A SECOND BY LARRY ZARLETTI TO ADOPT RESOLUTION 05-16. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. It's good to see that FEMA can do some things.

8. OTHER SUCH MATTERS AS AUTHORIZED BY LAW.

Jean Werbie:

Myself, Mike and some of the staff are going to be out of town in December at our first meeting, which is December 12th. So in order not to skip that meeting we would like to move the Plan Commission meeting from Monday December 12th to Wednesday December 14th. I'm trying to get a show of hands and I want to get the notices out far enough in advance for the public and the press to make sure we have a quorum. Who can make it. We have a quorum. We would like to hold the meeting then, instead of cancelling it, on Wednesday, December 14th at 5:00. We'll be out of town and the information will probably be to you sooner, so if there's any concerns or questions you can get those to me in advance the week before.

Tom Terwall:

Anything else under such matters?

Don Hackbarth:

Just a comment, Mike. In the newspaper article about the reassessing or re-evaluating parking lots and everything for Carol Beach, is the Village going to take into account the fact that a parking lot might be there unused for seven days and then for three hours it will be used like a church? Is that going to be taken into account? Versus some companies that will be having traffic in their parking lots all the time with oil runoff and car refuse and stuff like that?

Mike Pollocoff:

The issue on evaluating parking lots is that it's not really the use, it's that the parking lot is impervious. So whenever it rains that water runs off faster than it does on-

Don Hackbarth:

But in the article it said things like oil dripping off a car and the things that cars bring in. Obviously if a parking lot is used seven days a week for ten hours there's going to be a lot more junk from cars or refuse on the asphalt.

Mike Pollocoff:

At least in this phase of the rules we have to sample the areas where we do have runoff coming into, and the fact that someone is not generating contaminants that would need treatment on it they wouldn't have an additional charge. But if there's someplace that's keeping a dirty lot or

they've got operations where if it's oil or some kind of industrial product that's coming off the parking lot they'll have a charge over and above. But I think the next phase of the rules that will be coming down is that we'll be out sampling individual sites just like we do for sanitary sewage we're going to have to create a profile as to what the discharge is off of a site that is being charged for being impervious. If it's a dirty site they're going to have to pay a dirty fee. Right now that fee would be spread across everybody. Now, if it's so bad that it's causing a specific site source contamination before it gets to the waterway, we'll require that user to clean it up. But if it's not dirty enough to contaminate the waterway, then it's going to be something the whole utility picks up.

This is an evolving process that the State of Wisconsin is jumping out ahead of the federal rules on this in some parts, so I can't tell you that the feds require this but Wisconsin is being more stringent and we don't have a good record to see how they're implementing it. I think the more site specific use evaluations for the qualitative considerations of storm water, if they follow the process, they'll go to Madison and Milwaukee and those cities to implement first and then they'll roll out from there.

Don Hackbarth:

Is that a State guideline or a federal guideline, or is that just something Pleasant Prairie is doing?

Mike Pollocoff:

No, it's a federal guideline.

Don Hackbarth:

So I take it then Bristol and everybody else downstream is going to be doing this?

Mike Pollocoff:

Parts of Bristol will. What it is is that Kenosha got sucked up into the rule a year ago, and anybody that drains into Kenosha, any communities get pulled into that. Bristol is just going to have a portion of Bristol, a portion of Paris, parts of Somers. Somers has Racine and Kenosha. So anybody that drains into those waterways that are regulated are going to have to do it. Salem is not going to have to do it and some of the other communities. Their time is coming, it's just that they're implementing these rules in phases. It's a federal mandate that's been enhanced and the requirements have been enhanced by the State.

Tom Terwall:

I would say as long as you continue to drive Ford motor products you're probably contaminating as much in three hours as somebody else—

9. ADJOURN.

John Braig:

Move adjournment.

Larry Zarletti:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.