

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
March 27, 2006**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on March 27, 2006. Those in attendance were Tom Terwall; Michael Serpe; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. Donald Hackbarth and Wayne Koessl were excused. 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.**

Jean Werbie:

Mr. Chairman, I have one piece of correspondence. It was received this past week. It's a notice from the State of Wisconsin, Division of Hearings and Appeals. It's the matter of the application of George and Pearl Fisher Estate represented by George Ed Bates. It's for water quality certification for the placement of fill in the wetlands in Pleasant Prairie. And this is a matter that is going to be coming before the Judge on Monday, May 1, 2006 if any Plan Commission members are interested.

I just wanted to point out that they set the hearing not in Pleasant Prairie but at the Kenosha City Hall because of the larger accommodations at that location. So I just wanted to bring that to your attention if you have an interest. This is a matter that was on the Plan Commission agenda a while back. There were some concerns and questions raised by adjacent property owners and they had requested a contested case hearing, and that is exactly where it's going. So, again, that's May 1st at 10:30 at the City of Kenosha.

Tom Terwall:

Is the notice correct that what's in dispute here is 18/1000 of an acre, less than 200th of an acre of land?

Jean Werbie:

Yes, it's for a driveway to go through wetlands to gain access for a single family house.

- 4. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for any of the items on the agenda tonight that are matters of public hearing, which are the first five items, we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as part of the official record of the hearing. However, if you're here for Items F through I or if you're here to discuss an item not on the agenda, now would be your opportunity to do so. We'd ask you to step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments?

5. NEW BUSINESS

Jean Werbie:

Mr. Chairman, I would ask that the Plan Commission take up the first three items as they're interrelated, and I'll be making one staff presentation so there will be three public hearings at one time for the comprehensive land use plan, the Lakewood neighborhood plan and the conceptual plan.

John Braig:

So moved.

Mike Serpe:

Second.

Tom Terwall:

MOVE BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO COMBINE ALL THREE ITEMS A THROUGH C FOR THE PURPOSE OF PRESENTATION AND DISCUSSION, HOWEVER, THERE WILL B THREE SEPARATE VOTES. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

A. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #06-06 FOR AN AMENDMENT TO THE VILLAGE COMPREHENSIVE LAND USE PLAN to remove the Urban Reserve Designation from the land area south of STH 165 (104th Street) and east of Old Green Bay Road.

B. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #06-07 FOR AN AMENDMENT TO A PORTION OF THE LAKEWOOD NEIGHBORHOOD PLAN for the request of William Bodner, agent for Vintage Parc LLC, for the area south of STH 165 (104th Street) and east of Old Green Bay Road.

C. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of William Bodner, agent for Vintage Parc LLC for the property located south of STH 165 (104th Street) and east of Old Green Bay Road for a Conceptual Plan for the proposed 5-6 unit and 10-4 unit condominium buildings to be known as Vintage Parc.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, the petitioner is requesting approval of a Conceptual Plan for the proposed Vintage Parc development to be located at the southeast corner of STH 165 or 104th Street and east of Old Green Bay Road that will include five 6-unit and ten 4-unit condominium buildings. In addition, the petitioner is requesting to amend the Village's Comprehensive Plan and amend a portion of the Lakewood Neighborhood Plan.

The first item that we'll be discussion is the Comprehensive Plan Amendment. According to the Village's Comprehensive Plan this property is located within the Lakewood Neighborhood Plan area. The entire Lakewood Neighborhood is bounded by STH 31 on the west, STH 165 on the north and Springbrook Road on the southeast.

Pursuant to the Land Use Plan, which is Map 91 in the Comprehensive Plan, the Lakewood Neighborhood shall be developed within the Low Residential land use category with an average lot area to be approximately 19,000 square feet or more per dwelling unit. In addition, most of the undeveloped areas located within the Lakewood Neighborhood, including this parcel of land proposed to be developed at the southeast corner of STH 165 and Old Green Bay Road, are located within an Urban Reserve Area.

The Urban Reserve designation indicates that these properties are not likely to be developed until after 2010 because of the lack of the availability of urban services such as sanitary sewer and water. All new developments will require urban services. Again, that's municipal sanitary sewer, water, urban roadways with curb and gutter and storm sewers. If the property owners wish to develop their land within the reserve area prior to 2010, then the Comprehensive Plan will need to be amended to remove the reserve designation and urban service would need to be brought to the area.

The developers at the southeast corner of STH 165 and Old Green Bay Road are requesting to have the Urban Reserve designation removed. Urban services including municipal sewer and water currently now currently abut this property on STH 165 and sanitary sewer abuts the property on Old Green Bay Road. Furthermore, the developer is proposing to install water adjacent in Old Green Bay Road the full length to their property on the west property line, and municipal sewer, water and storm sewer within the development site.

The next item is the Neighborhood Plan Amendment. As noted previously, the Vintage Parc development is located within the Lakewood Neighborhood. Neighborhood plans are based on geographical areas or neighborhoods as delineated in the Village's Comprehensive Plan, and are intended to provide the Village Plan Commission, Village Board and Village residents with an early opportunity to review future probable patterns of existing and proposed land uses within that neighborhood.

Neighborhood plans take into account the compatibility of land uses, identify how future land divisions could occur, plans how access roadways to the land divisions could be provided and examines how practical it is to provide certain lot layouts, road layouts, parkways, open space areas, park and preservation areas, public community facilities, infrastructure improvements and municipal services to service an area. Neighborhood Planning is essential to the orderly growth of the community, and it establishes a framework as to how development should occur if and when it does occur.

On September 12, 2005 the Village Plan Commission approved the Lakewood Neighborhood Plan as shown on Exhibit A of Plan Commission Resolution #06-07.

At this time the developers for the proposed Vintage Parc development are requesting to amend a portion of the Lakewood Plan, again, generally for that property at that southeast corner, and as a result are preparing and submitting a detailed Conceptual Plan for consideration. The changes in the Lakewood Neighborhood Plan generally affect the condominium unit and single family lot configuration south of STH 165 and east of Old Green Bay Road. Specifically the changes include:

- The location of the proposed 65th Avenue which runs north/south from 165 to 107th Street. It has shifted slightly east as it connects to 107th Street as a result of adjustments made to the condominium area at the corner and to accommodate setbacks to current property lines.
- Next, there have been some minor reconfigurations of the single family lots as a result of 65th Avenue being altered.
- The reconfiguration of the condominium area and the adjacent single family area has changed slightly from 82 units to 89 units. The previous plan indicated 17 4-unit buildings and the new plan proposes five 6-unit buildings and ten 4-unit buildings and three 2-unit buildings. The 6-unit buildings are located adjacent to future commercial on the west and Highway 165, and adjacent 8-unit condos west of 65th Avenue. The two unit buildings are located on the eastern boundary of the condo area.

This amendment to the neighborhood plan would provide for a slight increase in the residential units within the Lakewood Neighborhood. With this proposal they would go from 664 units to 671, thus adjusting the net density from 37,438 square feet per dwelling unit down to 37,042 square feet per dwelling unit. This density is still in compliance with the Village Comprehensive Plan which provides that the overall net density for the Lakewood Neighborhood be developed so that the Low Residential land use category has an average of 19,000 or more square feet per dwelling unit.

Based on the 2000 Census information for the Village of Pleasant Prairie, the average number of persons per household is 2.73 and school age children between the ages of 5 and 19 make up 23 percent of the population; therefore, this amendment would provide for a slight increase in the projected population and the number of school age children at full build out. So we would go from 671 dwelling units to 664, and increase from 664, and we would go from 1,813 persons to 1,832 persons. So, again, we've just got a slight increase in population, and there would be an increase of approximately four school age children with this adjustment on the conceptual plan as they have presented this evening or they will present it.

For residential development, the proposed development consists of approximately 14.3 acres of land located at the southeast corner of 165 and Old Green Bay Road within the Lakewood Neighborhood. The Conceptual Plan proposes to develop the 70 condominium units. Approximately 3.3 acres of land will be used for public right-of-ways. This figure may change slightly once we find out exactly what the final right of way that is going to be required by the Wisconsin DOT as part of the Highway 165 widening. So there might be a slight adjustment on right of way. The entire development provides for a net density of 6.36 units per net acre.

Under population projections, 191 persons and 44 school age children are likely to come from this development at full build out. The Village provides copies of proposed developments to the Kenosha Unified School District to assist in their budgetary and long range planning efforts. Based on the information we've provided to the Kenosha Unified School District for Pleasant Prairie, a total of 29 public school age children are likely to come from this development, 44 school age but 29 public.

Under open space, there are no wetlands, floodplain or proposed public parks located within the development. However, it was identified that a 35 foot wide landscape easement adjacent to 165 and Old Green Bay Road and along the south property line will be required as a buffer to the State highway and to the future single family development on the south. Landscaping and berms will be required to be installed by the Developer within these easements. Detailed Landscaping Plans shall be submitted with the Preliminary Plat. The retention facility and/or parking areas shall not be located within the Easement Area. We're going to discuss that further this evening.

In addition, the trees located along a portion of the eastern property line shall be preserved and protected and located in a Woodland Preservation Easement. The Woodland Preservation Easement shall be wide enough to ensure that the drip line of the trees are located within the easement and no utility easements are located within the woodland area.

Under site access, this development is proposing one access point onto STH 165 at 65th Avenue and one access point onto Old Green Bay Road at 105th Street. These access points will be required to be approved by the Wisconsin Department of Transportation. My understanding is that they have had discussions with the Wisconsin DOT and on a preliminary basis have approved these locations. The 65th Avenue to the south in this development lines up with 65th Avenue to the north in the Meadowlands Development.

Under temporary cul-de-sacs, temporary cul-de-sacs shall be constructed at the east property line at 105th Street and at the south property line at 65th Avenue for future connections to vacant property to the east and south of this property pursuant to the plan. As you will recall, we do require that there be temporary turnarounds at the ends of these streets until such times as those roads continue. When those roads continue, then the cul-de-sac heads will come off and then the road will continue as a straight street.

The temporary cul-de-sac areas outside of the dedicated street right-of-way areas shall be labeled as Dedicated Temporary Public Street, Access and Maintenance Easement. Temporary easements shall be dedicated to the Village for the roadway to end in a temporary cul-de-sac that meets the Village specifications except that no landscaping island will be required. The cul-de-sac at these two locations shall be paved and no curb and gutter is required within the temporary cul-de-sac areas. The temporary cul-de-sacs will be removed by the adjacent land developer and the easements will be vacated by the Village when future development to the east or south is

proposed. In addition, signs will be required to be installed at the Developer's cost that indicate that these dead-ended streets are temporary and that the streets are intended to be extended to serve additional vacant lands.

Under public improvements, an additional 47 feet of right-of-way is proposed to be dedicated on STH 165 adjacent to this development. At this point the State was looking for a total of 80 feet from centerline. Again, after the 165 study is completed, we'll have a better understanding whether or not that number will be reduced. Approvals from the DOT will be required to be obtained by the developer. All improvements shall be made by the Developer at the Developer's expense.

The entire development shall be serviced by municipal sanitary sewer, water and storm sewer.

- < Municipal water shall be extended by the developer at the developer's cost south on Old Green Bay Road to the southern property line of the development and will be looped through the development within the public and private roadways and connect to the water main in 165 at 65th Avenue.
- < Municipal sanitary sewer shall be extended by the developer at the developer's cost throughout the public and private roadways within the Development. All buildings shall be provided with nine foot gravity basement service.
- < On-Street Bike Trail on Old Green Bay Road. Pursuant to the Village Park and Open Space Plan adopted by the Village Plan Commission on March 13, 2006, a future on-street bike trail is proposed on Old Green Bay Road adjacent to the Development. This on-street bike trail on Old Green Bay Road will be constructed at the time that the roadway is widened. The developer will be responsible for the paying for their fair share of widening Old Green Bay Road to an urban profile. Detailed cost estimates will be provided to the developer at the time that Preliminary Engineering Plans are reviewed and these costs will be finalized at the time the Certified Survey Map and Final Condominium Plat are considered. The cost shall be paid to the Village as a condition of Certified Survey Map and Final Condominium Plat approval.
- < Off-Street Bike Trail on STH 165. Pursuant to the Village Park and Open Space Plan, a future off-street bike trail is proposed on STH 165 adjacent to the Development. The future off-street bike trail on STH 165 will be constructed as a part of the widening of STH 165. The developer will be responsible for the paying for their fair share of widening STH 165 to an urban profile. Detailed cost estimates will be provided to the developer at the time that Preliminary Engineering Plans are reviewed and costs can be finalized at the time the Certified Survey Map and Final Condominium Plat is considered. The cost shall be paid to the Village as a condition of Certified Survey Map and Final Condominium Plat approval.

Under Right of Recovery, a 10-year right-of-recovery could be afforded to the Developer for water improvements to be installed on Old Green Bay Road if, after holding a special assessment hearing, the project is approved by the Village Board. The actual costs for such improvements shall be provided at the time the Final Engineering is completed. Property owners on the west side of Old Green Bay Road would be will be required to pay the water special assessment only if

they choose to connect to the municipal water main. Also, any new homes or any new future commercial development is developed on the west side of Old Green Bay Road, then they will be required to connect to municipal water and pay the special assessment prior to connecting to the water main. Also if there's any new lots that are created on the west side of Old Green Bay Road, then that special assessment would also have to be paid and the new lots would have to connect to the municipal water system. A Special Assessment public hearing for the off-site municipal water improvements will need to be scheduled by the Village Board relating to these pending costs prior to approval of the Final Condominium Plat. Again, it's been the Village's policy that the right of recovery for any water main improvements would be a maximum of ten years.

The next item is Zoning Map Amendment. The property is currently zoned R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District. The condominium area north of the property is zoned R-10, PUD, Multi-Family Residential District with a Planned Unit Development Overlay and that's identified as the Meadowland Condominiums. The lands to the west, east and south are zoned R-4 (UHO).

The project is proposed to be developed as a Planned Unit Development (PUD) since more than one building is proposed on the site. Developing as a PUD will allow for flexibility with some dimensional requirements of the Village Zoning Ordinance provided there is a benefit to the community. The zoning of the property can be completed in one or two steps.

- Two Step Rezoning Process: At the time of that the Preliminary Condominium Plat is considered an application can be submitted for a Zoning Map Amendment to rezone the property from R-4 to R-10. This UHO designation would remain on the site until the Planned Unit Development is written at such time that the UHO would come off and the PUD designation would be placed on the property. The required public hearing for the PUD Zoning Text and Zoning Map Amendment will be held at the same time as the Plan Commission and Board considers the Final Condominium Plat. The Village will begin to draft the PUD Ordinance for review by the Developer and the Village at the time that the draft Preliminary Condominium Plat is submitted.
- One Step Rezoning Process: That would be if we have all of the details put together at one time and then we would be able to immediately rezone it from the Single Family into the Multi Family and have the PUD placed on the property at one time.

The Conceptual Plan indicates that the following dimensional variations from the R-10 District regulations and other zoning requirements are proposed:

- the buildings are proposed to be located a minimum of 25 feet from the property line adjacent to the non-arterial roads within the development wherein the ordinance requires a minimum of 40 feet.
- Three of the four parcels within the development will have more than one building on the parcel.
- The parcel with buildings 8 and 9 and the parcel with building 10 on it are less than 1.5 acres.

- The minimum width of a driveway is 35 feet and the Conceptual Plan indicates that driveways vary from 24 to 35 feet. The driveway serving building 3, 4 and 5 shall be 30 feet
- The Conceptual Plan shows that the driveway locations for buildings 1, 6, 7, 8, 9, 10 and 15 do not meet the separation distance for driveways from intersecting roadways. This separation distance is determined by the speed limit of the two intersection roadways. So we'll be looking at three different areas.
 - o The speed limit on the roadways within the development will be 25 mph; therefore, the driveways for buildings 6, 9 and 10 shall be a minimum of 105 feet from centerline of street to centerline of driveway. Less than 105 feet is proposed. These requirements the staff is recommending that they not be varied or something be done with respect to adjusting the building locations.
 - o The speed limit on Highway 165 is 45 mph; therefore, the driveways for buildings 7 and 8 shall be a minimum of 460 feet from centerline of 165 to centerline of driveway. If this is acceptable by the DOT the Village will incorporate this reduction into the PUD requirements. Again, I believe that 105th Street is just less than 460, it's at 420, and the driveway if that's approved by the Wisconsin DOT then the Village staff would recommend that we support that as well.
 - o The speed limit on Old Green Bay Road is 35 mph; therefore, the driveways for buildings 7 and 8 shall be a minimum of 300 feet from centerline of Old Green Bay Road to centerline of driveway. Just under 200 feet is proposed. This reduction would need to be incorporated into the PUD.
- The Concept Plan shows that most of the driveways do not meet the separation space of 105 feet as measured from centerline to centerline. These reductions can be incorporated into the PUD requirements.
- This is not in your staff comments. The net residential density exceeds the requirements of the R-10 District. The net density is proposed to exceed the net density of the R-10 District. 6.36 units per acre is proposed, wherein 5.3 units is permitted. The number of units would need to be reduced from 70 units to 58 units to bring the net density to meet the 5.3 dwelling units per acre, or the Plan Commission and the Board can determine that if this project as designed is worth our support it can be worked into the planned unit development to increase that density just so slightly from that 5.3 to 6.3 units per acre.

In consideration of dimensional variations to the Village Ordinances that they're requesting, at a minimum the staff is recommending that the following be required:

- In addition to a statement in the PUD related to 80 percent of the buildings being owner occupied, the Developer shall record a restrictive covenant in the declaration of condominium regarding a commitment to keep 80 percent of units as owner occupied.

- All Condominium units shall have individual exterior entrances and attached garages.
- All Condominium buildings will have full basements.
- 75 to 100 percent of each unit shall have exterior building materials consisting of brick, stone or block materials.
- A variety of building colors shall be submitted and shall be specified in the PUD Ordinance.
- All sewer and water within the development shall be public.

Additional requirements will be discussed with the Developer during the review of the draft PUD document which again will be prepared by the Village at the time that the Preliminary Condominium Plat is being submitted for review.

Finally, as part of this project, the land division document that would be used would be a certified survey map. A Certified Survey Map will be required to dedicate the proposed public roadways within the development and thus creating four lots that will then be part of the Final Condominium Plat. The Certified Survey Map and related Development Agreement will be considered at the same time that the Final Condominium Plat and the Zoning Text and Map Amendment are all presented in order to create that Planned Unit Development.

With that, I'd like to introduce the developer for him to make a further presentation on the buildings and the units and the project as part of the Conceptual Plan.

Bill Bodner:

Thank you very much. My name is Bill Bodner, address 11516 North Port Washington Road in Mequon. I'm the developer of the Vintage Parc Condominiums. I'm here tonight with Rich Wagner from Jenkins Survey and Design and Scott Nailer from TDI Associates. I have a brief video that we'd like to show and then we'll just go over a few of the high points and then open it up for any questions.

We sit on about 14 acres of land, and as we have discussed, it's situated at the southeast corner of 165 and Old Green Bay Road. The plan has 70 units as shown consisting of five 6-unit buildings and ten 4-unit buildings. The units will range in size from about 1,450 square feet to about 2,000 feet in the six families, and a little over 1,300 feet to almost 1,800 feet on the 4-unit buildings. They will have full basements. They will all be two bedroom, two bath and two car attached garage. The units will be priced at projected prices right now in the low to mid \$200,000. What we're showing you here is obviously the two different style buildings. This is the four family building and the six unit building.

We will have different color schemes that will be utilized from building to building but will complement each other as the development is built out. And, as you can see from this video we feel that the density as shown here is not overly dense and our asking for the 70 unit density on this. With that, there were some questions that came up as far as some of the engineering and the requirements from DOT and I'd like to have Rich talk about those.

Rich Wagner:

I'm Rich Wagner, Jenkins Survey and Design, Waukesha, Wisconsin, the engineer for the project. We've been working very closely with staff at Pleasant Prairie, met with the Fire Chief. Also discussed the project with the Department of Transportation. As Jean mentioned, we're showing ultimate right of way for Highway 165 which may be reduced depending upon what their final alignment and geometrics are. Furthermore, on Old Green Bay Road the DOT purchased an extensive amount of right of way on Old Green Bay Road some years back that's already been dedicated and access controlled.

The location of the roads as you see them are in accordance with the original neighborhood plan. There's some slight variations, but overall they line up with the same alignment and geometrics as the original neighborhood plan. 65th Avenue lines up with the driveway with the Simon development to the north, and then the road that intersects, that east/west street, 105th, intersects Old Green Bay Road at the point where it's been shown on the neighborhood plan for a number of years. We also discussed the geometrics of that and the distance from Highway 165 to 105th Street to make sure that that met minimum requirements. It is in excess of what Art Bauman at the DOT recommended for that so that meets that requirement.

One of the comments that may concern you is the location of the driveways to the intersections. These are non arterial interior streets. In another development it's possible streets like this could have been private drives. What we've tried to do with this development, and you see through the architecture, is create a true residential neighborhood through the four and six family units, and by doing that we end up with driveways going to individual garages rather than creating large buildings and great seas of asphalt parking and detached garages. So the result is that in a residential single family subdivision these driveways would, of course, not be this close together because each property would have an individual lot and an individual width. But because of the fact it's a condominium and it's multi family, there's multiple buildings on individual lots, and thus because of the residential theme of the buildings themselves we end up with some individual driveways so that we don't get those large areas of asphalt parking so it can be broken up more, and that each of the individual units have more individual parking and driveways rather than one massive parking.

The planning staff made some comments to us. All of the comments we have no problem with. There's a couple of comments that we'll be working with staff on regarding the location of the detention pond. As you can see it's quite large. Pleasant Prairie has adopted the Des Plaines River Watershed Study. Those requirements for storm water management are more restrictive than MMSD requirements, and thus creates a pretty large water quality and quantity basin. But the issues seem minor that we can work out with staff and we didn't have any problem with those.

One of the other items I want to mention is when we met with planning staff and Mike Pollocoff we agreed that we would curb the temporary cul-de-sacs also rather than leaving them as just raw asphalt edge, that we would curb those to kind of dress those up also. Any other questions you have I'll be glad to answer.

Tom Terwall:

This is a public hearing so be prepared to answer questions. This is a matter for public hearing. If there's anybody wishing to speak we would ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak?

Steve Scalzo:

Hello, my name is Steve Scalzo, 9709 8th Avenue, Pleasant Prairie, Wisconsin. When I received this proposed amendment to this project it shows a four acre parcel that I'm part owners of with Larry Holtz. And on this it's proposed to put two units. At that density I don't understand why he can have a density of 6.3 and they want to give us something like that when the average is, like she said, 5.6 or whatever.

And also they have proposed on here to put the retention pond on my property. That's nice, but I wasn't confronted with that. That was just drawn on here like it's okay. I don't feel that's okay without further discussion. I was told one time by someone that this was going to be the buffer zone to buff from six units to four units to two units back into residential. But if we come south of the proposed project this is to be residential anyway, so where's the buffer there? Furthermore past my four acre parcel there's a four unit already sitting there, so again I don't understand the buffer theory. So that's my concern about the project.

Tom Terwall:

Thank you. Anybody else? Jean, can you point out on the map where Mr. Scalzo's four acre parcel is.

Jean Werbie:

The location of that retention basin doesn't have to be adjacent to 165. It can be further to the south. The situation is that as an individual property owner he is going to need to account for storm water on his property coming to and going through his property and retaining it. So whether it's located adjacent to 165 or it's further to the south that doesn't matter. For this purpose, for the neighborhood planning purpose it's just basically shown for sketch plan purposes. So there will need to be some type of basin on his property. If he chooses to move it to the south further and the grades work for him to do that that's not a problem. As he refines his concept plan that retention basin could be relocated.

Tom Terwall:

So at this point nothing is being done with Mr. Scalzo's property, is that correct? That's just being shown as a conceptual plan.

Jean Werbie:

This is actually being shown for neighborhood plan purposes and his property is on the neighborhood plan. The concept plan is not being revised. So if he would like to make some revisions to the neighborhood plan as part of his concept plan he would be able to do that as well. But what we're looking at is overall density, and I think that was part of his second question as to

we shifted and moved around some of the density in some of the units, and I think what I'm hearing is he wants to find out whether or not is he going to get his density back or is some of that density actually just shifting to the west. And if we put density back on his property and leave the higher density on this property then we're just increasing the density for this area.

John Braig:

I'm looking for a clarification. Is Mr. Scalzo participating in this development and he will retain ownership and the units will be built on his land?

Jean Werbie:

Not to my knowledge.

John Braig:

Or is it anticipated that Mr. Scalzo would sell it to the developer and step aside from the whole project?

Jean Werbie:

I think neither but the developer or Mr. Scalzo maybe could answer it.

Bill Bodner:

Let me just answer that. I understand there's a little confusion because it's shown on the neighborhood plan. Our development, if you look at this plan here, does not have his land on our plan. We are just working off the six family and the four unit buildings. Just to the east, just to the right there, would be where the neighbor's land is and that is not part of our development.

Tom Terwall:

Anybody else?

Rich Wagner:

Rich Wagner, Jenkins Survey and Design, Waukesha, Wisconsin. Maybe I can add a little bit to that. Again, the pond is only conceptual from an ordinance standpoint that each individual landowner has to be responsible to meet the storm water requirements if they would develop. The size is also conceptual. It could be much smaller depending on grades and the depth of that pond. So it's nothing more than to show that another developer would have to meet storm water requirements. And as far as the two families, at one time we talked with staff about even single families and it was discussed to put two families on there. Whether they are four families I don't even know, nothing has been done with that site. We haven't addressed that other than through the neighborhood plan. So four families may not even fit from a setback standpoint, and that's never been addressed because it's not our property. So it was just shown for the neighbor plan.

Steve Scalzo:

Steve Scalzo, 9709 8th Avenue. One other thing that I left off on their conceptual plan here putting the retention pond on part of my four acres I don't know why they chose to put it at the highest elevation of the entire project. If we take into consideration their acres and my additional four that's the highest part. Water doesn't run uphill.

Tom Terwall:

And I think the point she was making was at some point when you develop your land we'll cross that bridge as to where that detention basin should be. It's not part of this project so it won't have any impact at all on the final approval granted for this development. We're not affecting your property at all. But at some point when you development, I guess what they're saying is the neighborhood plan shows there's got to be some water detention basin on your property.

Steve Scalzo:

I understand that.

Tom Terwall:

But not on the high point I agree. Only in Carol Beach does water flow up hill.

Steve Scalzo:

But we're still back to the question of why is an acre of their property fitting for this density and an acre of mine is not equal to the same density. I would be happy with three 4-units on my property versus three 2-units which is still half of the density they're getting on theirs. That sounds fair to me.

Tom Terwall:

And I would suggest when you're ready to develop bring that proposal forward.

Steve Scalzo:

I've never been to one of these meetings so I'm kind of new at this, but I didn't know where to start with my discussion or my concerns. I've been a realtor here in town for a long time. I'm for development. I don't have a problem with any of that or watching Pleasant Prairie grow as it has tremendously. But I think we should all be treated fairly. Thank you.

Tom Terwall:

I don't disagree. Thank you.

John Braig:

Just a comment. If you have any questions or any problems, it's the Commission's belief and experience that if you contact the staff with any questions or any problems they can give you an

awful lot of help and information. And if it's something beyond that they would bring it to the Commission's attention and work with you. But the intent is certainly to be as fair as we can with everyone.

Tom Terwall:

Sir, you were next.

Joe Donahue:

Joe Donahue, 6319 107th Street. I would just like to go on record saying that I think the Lakewood Neighborhood Plan is about as good a use of land as I've seen planned. Obviously as a homeowner in that area I'd love to still have my open fields there, but I would like to see us hold the line on the density, and so the proposal to move the density from an R-4 to an R-10 I think it was I'd like to see us hold the line and oppose that so that as we develop this area I think there's enough land usage going on, especially in these other areas, and for reasons of traffic and that it's going to become a very busy area with the commercial development adjacent to it. So I'd like to see us keep it at the density that was on record with the Lakewood plan.

Tom Terwall:

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

John Braig:

The first point is dealing with Mr. Scalzo's concern for density. My personal view would be if he were to propose a development very much compatible with the development that we're considering now so that for all practical purposes it would look as though it was part of that planned unit development I would be willing to approve whatever the density ended up with.

Then I have two other concerns. One is the on street bike trail on Highway 31 or on Old Green Bay Road. It strikes me as there's some still pretty fast and maybe not heavy traffic, but the traffic that's there moves quite a bit. And if we're going to have youngsters or even teenagers using an on street bike path, if at all possible I would prefer an off street path.

And the last item is does the Village own any of the streets or right of ways in this area right at this corner or intersection? The reason for that thought is that as people buy these condominium units I would like in some way that they would be aware of the fact that lands to the west and to the north are being strongly considered for commercial development. I don't want somebody buying a condominium and then upset when a commercial strip goes in there with parking lot lighting and everything else. I was hoping that if we own some lands in that area we could have the developer put a small sign up in the road right of way saying land dedicated or suitable for future commercial development. So that if somebody goes out there and says I'd like to buy a place out there they're aware of what might be there. The same as the signs that we have at the end of the cul-de-sac. I think that's a fantastic idea. But I think if somebody is looking across the street, especially to the west, and they see residential units there, they sure aren't going to expect a commercial development, but I think they should know about it.

Jean Werbie:

It's the same situation with the Meadowdale Estates development and how Ajay Kuttemperoor had addressed it at that development is that he put statements within the declarations of restrictions and covenants and have in the second phase and are going to have the residents when they purchase the lot sign a document so that they understand that the Village Green development to the south is going to be commercial development and higher density residential development. So he's put them on notice, and something similar could be put into the declaration of condominiums or into the bylaws or information that's put together for the condominium that makes them clearly aware of what the adjacent land uses that are contemplated to the north, south, east and west are for this development. We don't typically put signs on somebody else's property.

John Braig:

That's why I was asking if the Village owned anything in the area.

Jean Werbie:

No.

John Braig:

That plan has merit, but I can see signing that document at closing and who is going to refuse to sign it? Who's going to stop closing at that point and say, gee, I don't like it. I think that's something they should be aware of well before the closing transactions.

Rich Wagner:

Rich Wagner, Jenkins Survey and Design, Waukesha, Wisconsin. One of the things is that when you do write an offer to purchase you get a title commitment. Before you even go to closing and before you even finalize your offer you get a title commitment. I know Bill and I were just talking about the developer would certainly have no problem with including that in those declarations and those covenants that they see those prior to completing the offer to purchase. And also what we just discussed was even at the time of sale in the sales brochure we would be willing to put in this portion of the neighborhood plan so they're aware of the commercial.

The other thing I'd like to say is I've worked on Prime Outlets since about 1989, and I know the Village has always required very high class commercial development. I know a lot of people are opposed to commercial development in their neighborhood, but I know this intersection is planned for some very high end commercial. I know the Village has always been very concerned about light pollution, access and traffic, so I know the Village is always very concerned about the commercial use. But Bill certainly has no problem with including this portion of the neighborhood plan in the sales brochure.

Tom Terwall:

Thank you.

John Braig:

I find that acceptable and it will be incorporated in our approval.

Mike Pollocoff:

I think there's one thing the staff wants to make sure that we're getting some policy guidance on and that can be forwarded to the Village and that's the density. Right now this is higher than what the plan called for, and Mr. Scalzo talked about his concerns about it, and I think we could start log rolling on this if we don't get our hands around what it is we want the density to be so everybody knows going forward, because whether it's Mr. Scalzo's property ends up be two units per dwelling and if we're going to have the six's here or the twelve units per acre versus six units or 5.3 per acre, I think those are policy questions on whether or not we want to divert that and change the neighborhood plan and modify that density. This is up from the neighborhood plan. What happens is it's like a bowl of jello. You push it one way and it's going to go somewhere else. It doesn't go away. You keep adding more and pretty soon it flows over. So if the Plan Commission wants to adjust the density up to modify to accept this plan, we just need to do it knowing that if we are going to allow Mr. Scalzo to go up in his density so he could obtain three 4-unit buildings rather than three 2-unit buildings, probably he should know that now and everybody involved should know. That's the up tick in the density that we're going to live with. Or, we're going to go back to where it was.

I'm not sure if in the scheme of the entire neighborhood--that's not a big increase as the staff report indicated. We're not talking hundreds and it's even less than 40, but we probably should address that and make sure we have it ironed on so everybody knows which way we're going on it. Right now it departs from the neighborhood plan.

Tom Terwall:

Mike, help me. As proposed, how does the density of this development compare with the development currently going on on 95th Street and Old Green Bay Road, comparable, more or less?

John Braig:

Wait a minute, 95th?

Tom Terwall:

93rd.

Jean Werbie:

They're about 5.4 units per acre, Creekside. They have a great deal more land and open space on the property.

Mike Serpe:

When we had the meetings on this parcel in the neighborhood plan just to the south with the single family homes, I remember the neighbors being very, very vocal on the amount of density. I believe the plan came back the second time with greatly reduced density almost to the point where it was acceptable to the neighborhood. And in all fairness I don't think it looks well for

the Village to say, okay, this is the density we approved at the last meeting and then come back and show the increased density now. Are we talking four additional buildings over what we somewhat agreed upon at the neighborhood meeting?

Mike Pollocoff:

Not four additional buildings. You have four 6-unit buildings versus four 4-unit buildings.

Mike Serpe:

I don't want to deep six this project. That's certainly not my intent here. A couple things. I do think we owe it to what we came to agreement with the neighborhood. I don't know when that was, a year ago or less? I can't remember.

Jean Werbie:

February.

Mike Serpe:

I'd like to see us stick to pretty much that plan because that way as this progresses to the east Mr. Scalzo is going to come into play and we can hold and accommodate his wishes as well without showing favoritism that you're going to build less density but we're going to approve this. I just feel that we owe it to the neighborhood to stick to the plan that we had talked about last year.

As long as this is conceptual and I would favor it moving forward I want to just comment on the architecture of the building. I think they're okay. I think we can maybe see some improvement on the architecture or design of the buildings to make them a little bit more architecturally pleasing. It wouldn't take much, redrafting of the design. I think that would add a little bit of flavor to this.

As far as the density goes, getting back to that, I think we should discuss that a little further so we can give the developer some guidance here. I agree with that.

Rich Wagner:

Rich Wagner, Jenkins Survey and Design, Waukesha, Wisconsin. The only one thing I'd like you to take into account is, of course, as it is all over the Village when density is calculated you take out the rights of way, any wetlands, I think conservancy areas are taken out. The one thing I'd like you to consider with this density is there's a lot of additional land being dedicated for Highway 165. And, in fact, on the north side of 165 in anticipation of a 120 foot right of way the Simon Group dedicated 87 feet, so that right now there's currently a 120 foot right of way for Highway 165. This plan is showing the ultimate. This is basically--this layout indicates the ultimate of what could be 80 feet from the center line which is probably the biggest non interstate right of way with the exception of probably Highway 31. But that's the one thing I'd like you to take into consideration. They're dedicating a lot of land there for 31. All of that right of way isn't going to be curb--even if it goes to 80 feet it won't be curb and gutter right to that property line. There's probably going to be at least a 20 to 25 foot buffer. I can't say for sure

Mike Serpe:

Rich, while you're here, how much of the engineering still has to be done on this project? Considerable?

Rich Wagner:

Right now we have besides the conceptual work we've done, we've done preliminary grading plans and preliminary sewer and water layout. So we can go because that we need to provide those final engineering documents with preliminary condominium plat, if this would be approved, we would go right to street plans and plan a profile for sewer and water.

Mike Serpe:

Detention basin is pretty much as is?

Rich Wagner:

We've got preliminary calcs on it. It's probably going to be pretty close to that size. The final grading plans will determine exactly how big it gets, but it's probably going to be pretty close to that size.

Mike Serpe:

So the way the plan is being presented tonight is pretty much the way you would see it going forward?

Rich Wagner:

That's correct. If it would be approved, correct.

Mike Pollocoff:

I think that Rich makes a real valid point about the impact of 165 and the width in there because that's monstrous. The Plan Commission and the Village Board in their working session with DOT clearly stated that they didn't want to have a road that was going to demand that much right of way to be acquired and constructed. Compared to where we sat six months ago I'm more comfortable that they're going to have more land to work with than what we think. So I think you need to factor that--we need to factor some of that back into the equation. If we want to balance the neighborhood plan out based on the multi family that was identified before, I think being at 58 is a little--that's taking the extreme outlook that we're going to lose a lot of land to road right of way. If you went up to 66 for this parcel and then had Mr. Scalzo's parcel be as it was proposed as per the neighborhood plan, that would get us just about back to where the neighborhood plan anticipated we would be.

Rich Wagner:

Steve will have the same impact we have in the sense that his acreage will be reduced by what he needs to dedicate for roadways, right. And the other thing is I know that when this came up at the public hearing and the neighborhood plan was approved, I know the adjacent residents were all concerned about this not being single family and it was kind of a result--this being multi family was a result of the fact that it bordered multi family and commercial. But we all agreed at that

time that this development would be much more upscale than some of the other condominium developments, and with your comments today, Mike, I think we're trying to achieve that. You see a building that's all natural materials, brick and stone and so forth. So this has become a more high end residential multi family.

Tom Terwall:

As I understand it, the increase that's being requested is an increase in seven units, is that correct?

Mike Pollocoff:

Twelve units, and I guess we're looking at bring that up to 66 by increasing it by eight, and then increasing Mr. Scalzo's proposed site by four. That gets us just over what the anticipated neighborhood plan showed. But, again, the neighborhood plan at the time that was developed didn't anticipate as big a right of way as we're dealing with.

Rich Wagner:

And as Jean mentioned the entire neighborhood plan still is well over what the minimum density was, like it's almost twice.

John Braig:

Does Mr. Scalzo's property abut that eastern looped road?

Mike Pollocoff:

Yes.

John Braig:

I don't like the idea of adjusting his density . . . conform with our ordinances. I would prefer a situation where his land would be included in this as a total planned unit development, so that we're not making an exception or a precedent. Is this at all possible?

Mike Pollocoff:

Basically what we're going to say with Mr. Scalzo is we're going to follow the land use plan. We can't require this developer to buy Mr. Scalzo's land.

John Braig:

I'm suggesting that the two of them cooperate, maintain separate, their own ownership of their properties, but plan a joint venture, or do our rules prohibit two different owners?

Mike Pollocoff:

We can't require something to develop who's not ready.

Jean Werbie:

If they choose to work together that's one thing and then we'll work with cooperative developers that want to work together on a project. But the Village can't require the developers to do a planned unit development.

John Braig:

That's something the staff could be open to discussion before we go for final approvals.

Jim Bandura:

Just a question to Mike. So what you're saying is if the right of way amount drops down the density is going to drop?

Mike Pollocoff:

Right.

Jim Bandura:

If 165 the right of way drops we could essentially leave it at the 6-unit, essentially leave it as is?

Jean Werbie:

I think it would still be over. But one of the other things you might want to consider is these are two 6-units and this is all single family, and there was some discussion that Mr. Scalzo had brought up regarding transitioning. And in this case if this is single family down here then we'd have all four units right here. We'd be bringing their density down to 66 and Mr. Scalzo's would go back to what the neighborhood plan had shown.

Jim Bandura:

What you're saying is we could adjust that, those two 6-units butting up against the residential can drop down to 4-units?

Jean Werbie:

Right, and then we'd have all 4-units abutting the single family and then those units would be put into Mr. Scalzo's over here, so then we'd be getting closer to what the neighborhood plan originally had shown. Instead of just shifting Scalzo's density to the corner, Scalzo will only lose two units but he'll still have at least ten units on that property and then they will have 66.

Jim Bandura:

And that would come close to what all of the neighborhood, the people were asking for?

Jean Werbie:

Closer to the neighborhood plan. And, again, with the additional right of way if that's given back then that will bring their density down a little bit more.

Jim Bandura:

That's fine.

John Braig:

My other concern is I mentioned the off street bike path. I think we aren't going to demand it one way or the other, but I would strongly recommend that the staff investigate the possibilities of having it off road.

Jean Werbie:

What I can do is bring it back to the Park Commission. That was part of the Park and Open Space Plan two weeks ago. We can bring it back to them. But the speed limit on Old Green Bay Road is only 35 miles per hour.

John Braig:

Speed limit and reality are sometimes quite far apart.

Jean Werbie:

That's true. There will be a segment of 165 that has a bike trail and that will be at 40 or 45 though.

Tom Terwall:

How far south on Old Green Bay Road is that bike path intended to go?

Mike Pollocoff:

All the way to Springbrook.

Tom Terwall:

So even if you did that, John, it would be on the roadway until you get to this parcel.

John Braig:

Am I correct that an on roadway path is just a wider roadway surface with a line?

Mike Pollocoff:

Right. And one of the reasons that the Park Commission and the consultant recommended going to an on roadway bike path is because when you go off roadway you have driveway conflicts. So

the person coming out of the driveway or going into their driveway is looking at the traffic going by, and then you have on a separate traffic path bikers running up and down that site so it's an additional conflict point. Whereas if they're all together in that same area that conflict diminishes. . . . looked at different types of bike paths and they're more like a commuter bike path. Now, the Park and Open Space Plan also anticipates separate trails that are away from the road. But we're really looking at the purpose of the bike paths that are on the roads or part of the road was transportation as another mode rather than recreational use.

John Braig:

I guess that has merit. I'm thinking of bike paths along side roadways there's quite a number of them, quite a few miles up in the northern part of the State. But with reflection they are in rural areas where there's no driveways so to speak. Okay, I'll yield.

Mike Serpe:

Mike, then what you're suggesting in changing the six's to four's will the plan still have to be amended to accommodate that? It's still going to be a little over, right?

Mike Pollocoff:

A little bit over.

Jean Werbie:

It will be slightly over, but it could be addressed as part of the planned unit development.

Mike Serpe:

Okay. I personally think that would be a good way to go and I think it would address everybody's concerns here. I know the developer may not like losing a couple units, but I do think it's the best way to go.

Jean Werbie:

So then we would have 66 units in the Vintage Parc development, and south of 105th they'd be all four units. And then on the Scalzo property to the east there would be a density of ten units, so it would be four, four and two or however he chooses to do that with the three buildings.

Bill Bodner:

Bill Bodner, Vintage Parc, Mequon, Wisconsin. I just have a question. We actually analyzed the neighboring property as it's shown here, and questioned how many units we actually could get on there. My question is we're discussing the density on us and the density on him. What happens if he can't get the density that he is looking for here? In other words, we're affecting our site now based on what he maybe wants to do, and I have a question as to whether he's going to be able to get 12 units on that site.

Jean Werbie:

I guess first of all I said ten units, so there would be a two and a four next to each other and a four to the south. But that would be up to the Plan Commission to decide at that point. If he can't meet all the setbacks possibly through a PUD he might be asking for some flexibility similar to this development. I guess we would have to look at that. I don't know if he's looked at particular units or buildings or what he's looked at on this property to this point.

Jim Bandura:

Jean, I guess we're going to look at having a PUD on Mr. Scalzo's property?

Jean Werbie:

He'd be required to do it if he has more than one building per property.

Jim Bandura:

Right, and we're going to assign essentially a PUD for this one?

Jean Werbie:

Yes.

Jim Bandura:

So we're coming real close to the unit density. So I guess I don't see a problem with what we're doing here.

Mike Pollocoff:

With all respect I think the policy decision is the developer is requesting that the Plan Commission adopt a neighborhood plan with greater density and does the Plan Commission want to do that, or do they want to keep it at the densities or close to where we were before? Whether or not Mr. Scalzo's property is going to be able to perform at the density that he would like, he's up to the same challenge that this developer is which is to take that piece of land and see what he can get on it when he gets the design ready.

I think the Village is being very reasonable on this. Typically with a planned unit development you're giving some flexibility on setbacks and some of those things so somebody can work with it in exchange for something that benefits the Village. In this one here we're handling some storm water. We're stretching the benefits to the Village probably out as far as we would normally stretch it. So every developer is going to have to meet some level of text that can they make a certain density that they want to make to make their development profitable given the land they have to work with. Until they work that up they're not going to know it, but I guess we've given this developer some latitude based on the original plan they proceeded from based on what that land use plan for the neighborhood was and there's some adjustments on that. I guess that's going to be their decision whether or not it's workable.

Jim Bandura:

And you're right, Mike. The thing is there's always the possibility that Mr. Scalzo's property could drop down to eight units if he can't meet setbacks. Or, even if he PUD on it and the lay out of the land doesn't work, there's always the possibility of that, am I correct?

Mike Pollocoff:

Right.

Jim Bandura:

So if we have a PUD on this, this is negotiable, have a PUD on Mr. Scalzo's property, that's negotiable, and we're just going to have to end up looking at it as it comes.

Mike Pollocoff:

Right. The Plan Commission negotiates from the basis of the master plan and the neighborhood plan. That's what establishes the density. That's your floor that you work from.

John Braig:

I'm a little bit concerned that somehow our residents or citizens might have been misled somehow in that we indicated the density at an earlier meeting. Just out of curiosity, could I have a show of hands how many of the people in the audience now attended that earlier meeting where that density was discussed. Thank you. I have a concern for changing it now because there could be quite a few that left that meeting satisfied with the compromise that was achieved. And if we deviate from it now, are we kind of pulling—

Mike Serpe:

John, I would somewhat agree with you, except when we approved the neighborhood plan that was before any engineering was done and any conceptual plans were brought forward. I think by approving what Mike is recommending tonight, changing the six's to four's, we're really close to what we approved with the neighbors. I think it's a good compromise on our part with the developer and the neighbors. We're not adding hundreds of people, we're adding a few. That's it. Now that the engineering plans came forward, this kind of plays into the plan as it was talked about a few months ago. At least it's very close.

Larry Zarletti:

Mr. Chairman, I think moving the six's to four's shows the Plan Commission, the Village, being reasonable, and I concur with Commissioner Serpe that it also does something to the folks who had an idea what the density was going to be. It doesn't move very much to have some latitude to go a little bit to meet with the development and I think we're doing that if those six's become four's.

Tom Terwall:

Jean, help me. The first item is not impacted at all with this discussion, correct?

Jean Werbie:

That's correct.

Tom Terwall:

So we can adopt that?

Jean Werbie:

That's correct.

Tom Terwall:

So a motion to remove the urban reserve designation is in order.

Jim Bandura:

I'll move for that.

Mike Serpe:

Second.

Tom Terwall:

MOVED BY JIM BANDURA AND SECONDED BY MIKE SERPE TO REMOVE THE URBAN RESERVE DESIGNATION FROM THE LAND IN QUESTION UNDER RESOLUTION 06-06. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. The second item, 06-07, an amendment for a portion of the Lakewood neighborhood plan, this is where we want to change the request of those six unit buildings to four unit buildings, is that correct?

Larry Zarletti:

Just the two front ones, right?

Tom Terwall:

Right.

Mike Pollocoff:

No, the two south ones.

Jean Werbie:

Under B you would be changing the density, and under C you would be approving their concept plan subject to that density. So under B right now you need to make a determination or policy direction with respect to what you'd like to see the density be for each of the two properties. They presented 70 units for Vintage Parc, and if we move the two six units south of 105th Street to four, then we'd be down to 66. And if we adjusted Mr. Scalzo's property, he currently has six units, and if you brought him to eight or ten you'd be bringing it back up.

Tom Terwall:

Is Mr. Scalzo's property even under consideration tonight?

Jean Werbie:

As part of the neighborhood plan amendment he is. As part of the concept plan he is not. He does not have refinements to the neighborhood plan. He is looking for what the density would be at this point based on this other development so as to what to bring back in the future on his property. So you need to decide whether or not he's at 8, 10 or 12 on Mr. Scalzo's property, and if Vintage Parc is at 58, 60, 62, 66 or 70 on their property.

Tom Terwall:

Our discussion lowers his from 70 to 66.

John Braig:

Just a clarification on the two buildings we're talking about according to the plan that the six unit buildings would be building 15 and 14.

Jean Werbie:

It would be the two south of 105th and east of Old Green Bay Road adjacent to the single family.

Tom Terwall:

Is there a motion to that effect?

All in favor signify by saying aye.

Voices:

Aye.

Larry Zarletti:

So moved.

Mike Serpe:

I'll second it, but what's that motion going to say?

Tom Terwall:

THE MOTION BY LARRY ZARLETTI AND THE SECOND BY MIKE SERPE IS TO ADOPT RESOLUTION 06-07 WITH DENSITY ON THIS PARCEL SET AT 66 UNITS AND ON MR. SCALZO'S PROPERTY AT-

--:

We can't do that.

Tom Terwall:

Yes, we can because this is for the neighborhood plan.

Mike Serpe:

And that could change.

Tom Terwall:

And what does that become?

Jean Werbie:

Eight or ten depending on what you are proposing. He was at twelve and now you're proposing him to be either at eight or ten.

John Braig:

What would be comparable to the 66 units that we're allowing for this development?

Larry Zarletti:

The eight or the ten.

Jim Bandura:

How close does that come equally?

(Inaudible)

--:

. . . and part of the roadway is coming on my property, too. I'm donating part of the road and I'm donating my retention pond . . . Pleasant Prairie. My parcels are still larger than his parcel per unit . . .

Mike Pollocoff:

I might add to be fair to the developer Vintage Parc they're taking all of Mr. Scalzo's water as it is. The water in detention that Mr. Scalzo is going to be holding is just added for the impact of development. So Vintage Parc is taking his water now, and they've accommodated their detention basin to size that. So as he's developing he's already a step ahead. He's not going to be required to hold whatever undeveloped detention he has. That one has already been taken care of by this developer. So I think it would be fair to this developer that that has to be accounted.

Larry Zarletti:

So back to the question. Does eight or ten line up with what we're doing with the 66?

Jean Werbie:

66 is going to be higher. I think ten comes closer than eight would be if you wanted similar densities.

Tom Terwall:

So the motion then is for 66 units for this parcel and ten for Mr. Scalzo's parcel. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Then Item C is approval of the conceptual plan at 66 units.

Mike Serpe:

So moved.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO APPROVE THE CONCEPTUAL PLAN--EXCUSE ME, TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN FOR 66 UNITS

SUBJECT TO THE COMENTS AND CONDITIONS SET FORTH 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 for the request of Marvin Letven, agent for RSLR Enterprises, LLP, owner of the property generally located south of 116th Street east of 22nd Avenue to correct the zoning map as follows related to the proposed Lighthouse Pointe Subdivision: the field delineated wetlands within Outlots 4, 5 and 6 are proposed to be zoned C-1, Lowland Resource Conservancy District; Outlots 1 and 3 and the single family lots are proposed to be zoned R-4, Urban Single Family Residential District; Outlot 2 and the non-wetlands in Outlots 5 and 6 are proposed to be zoned PR-1, Park and Recreational District; the 15 two family lots are proposed to be zoned R-8, Urban Two Family Residential District; and Outlot 4, the future condominium area, excluding the wetlands, are proposed to be zoned R-9, (UHO) Multi-Family Residential with a Urban Landholding Overlay District.

E. PUBLIC HEARING AND CONSIDERATION OF A FINAL PLAT for the request of Marvin Letven, agent for RSLR Enterprises, LLP, owner of the property generally located south of 116th Street east of 22nd Avenue for the proposed Lighthouse Pointe Subdivision.

Jean Werbie:

Items D and E. The first is a public hearing and consideration of a zoning map amendment, and this is the request of Marv Letven, agent for RSLR Enterprises. And the second is the public hearing and consideration of a final plat also the request of Marv Letven agent for RSLR Enterprises. Both of these requests are public hearings and they are regarding the proposed Lighthouse Pointe Subdivision. These items are related and will be discussed at the same time, however separate actions are required.

John Braig:

So moved.

Judy Juliana:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND A SECOND BY JUDY JULIANA. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Jean Werbie:

For some back ground information, the proposed development consists of approximately 92 acres of land located within the north central portion of the Sheridan Woods Neighborhood. The owners propose to develop approximately 39 acres with 100 single-family lots, 8 acres with 15 two-family lots or 30 units, Outlot 4 consists of 11 acres for the future development of a condominium project. In addition approximately 17 acres of land will be used for new public road right-of-ways, and 18 acres will be designated as open space and that includes wetlands, dedicated park space and other open space. The average single-family lot within the development is 16,858 square feet and the average two-family lot is 22,300 square feet. The single family and two family lots will have a net density of 2.27 units per acre.

On March 15, 2004, the Village Board conditionally approved an amendment to the Conceptual Plan that was conditionally approved by the Village Board on October 20, 2003 that the Village Board approved the Lighthouse Pointe development. The Conceptual Plan as conditionally approved conforms with the Neighborhood Plan for this portion of the Sheridan Woods Neighborhood Plan as approved through Plan Commission Resolution #01-07 on August 13, 2001.

On December 20, 2004, the Village Board approved Resolution #04-56 related to a Preliminary Plat for the proposed Lighthouse Pointe Subdivision that included 15 two family lots and 97 single family lots. According to the Preliminary Plat conditionally approved by the Board on December 20, 2004, 3.6 acres of wetlands were located within Outlots 4, 5 and 6 and were proposed to be preserved. As noted on the plans the wetlands on Outlot 4 were identified in the field on August 1, 2000 by a staff biologist with SEWRPC, and the wetlands on Outlots 5 and 6 were identified in the field on November 23, 1993 and re-verified on August 1, 2000 by the staff biologist with SEWRPC. The wetland areas have been labeled as Restrictive Wetland Conservancy Areas. The wetland stakings are valid for five years; therefore after August 1, 2005 the wetland needed to be redelineated again by SEWRPC. On September 6, 2005, SEWRPC reviewed the property and found that the wetlands in the southwest corner of the site have changed. The other two wetland areas have remained the same. This new wetland staking affected the lot layout as shown on the Preliminary Plat approved in December of 2004. The developers have chosen to not seek permits from the DNR to fill the wetlands but to amend the preliminary plat so that the wetland will be preserved.

On November 7, 2005, the Village Board approved Resolution #05-61 related to a revised Preliminary Plat. It identified 15 two family lots, 96 single family lots. The changes to the preliminary plat, which are now reflected on the final plat, include the following:

- < 22nd Avenue would not continue south into the adjacent property;

- < Lots 47 through 63 adjacent to the western property line were adjusted and reduced to meet the minimum R-4 District lot area requirements of 15,000 square feet;
- < the public park area was relocated to the central portion of the site. It's now identified as Outlot 7 to preserve the remaining trees in this area of the site directly south of 119th Street. This park are is proposed to be 2.26 acres rather than 5.31 acres as shown on previously approved Preliminary Plat.
- < Lots 64 through 67 were adjusted as a result of the park being relocated; and
- < Lots 88 through 92 were added south of 122nd Street as a result of the park being relocated. Outlot 6 containing 4.57 acres includes 2.14 acres of wetlands, Outlot 6 is going to be maintained by the Homeowners Association as an open space area.

The 22nd Avenue roadway as shown on the Neighborhood Plan would not continue south due to the wetlands. The Neighborhood Plan would not be greatly affected since there are still other future connections to the south at 21st Avenue. If and when the property to the south or any other vacant property is proposed to be developed, then detailed environmental investigations including wetland stakings would be required and the Neighborhood Plan may need to be modified again at in the future.

Under the zoning map amendment and final plat, at this time the petitioner is requesting approval of the Zoning Map Amendment and approval of the Final Plat for the proposed Lighthouse Pointe Development.

Under residential development, the Final Plat proposes 100 new single-family lots and 15 two family lots. Outlots 1 and 3 are proposed to be added to adjacent property west of the development to provide adequate access to a public roadway. So they'll be doing that through some type of lot line adjustment. Outlots 2 and 6 are proposed to remain as open space; Outlot 7 is proposed to be dedicated to the Village for a Public Park; and Outlot 4 which is in the northeast corner of the site is proposed to be further subdivided for condominium development. All of the single family and two family lots are proposed to be constructed in one phase and the condominium area, which is Outlot 4, is proposed to be constructed in a second phase. Based on the number of dwelling units proposed with this subdivision plat the following population projections are being provided.

- At full build out 130 total dwelling units comprised of 100 single-family lots and 15 two-family lots.
- 355 persons are likely to come from this development at full build out.
- As you know, the Village provides copies of these plans to the Kenosha Unified School District to assist in their budgetary and long range planning. Based on this development layout, 55 public school age children are likely to come from this development.

Under open space, approximately 18 acres or 24 percent of the entire site is proposed to remain in open space. The open space within the development includes parkland, wetlands and other open space:

- C Parkland is identified as Outlot 7, which is 2.26 acres, is proposed to be dedicated to the Village for public park purposes to be known at this point as Lighthouse Pointe Park.
- C Wetlands: A total of 5.02 acres of wetlands located within Outlots 4, 5 and 6 are proposed to be preserved. All of the wetlands on the property have been reverified so we do have current wetland delineations on the property.
- C Other open space: 2.68 acres of other open space located within the Outlots 2 and 6 will remain as open space.
- C On-street bike trail: Pursuant to the Village Park and Open Space, a future on-street bike trail is proposed within the development located on 22nd Avenue south to 119th Street, east on 119th Street to Lighthouse Way, and south on Lighthouse Way to the end of the development. I need to point out that we had some problems when we started to do some preliminary identification of the street addressing, and we found that 21st Avenue needed to be adjusted with respect to its name and it could not be a number. So the staff is suggesting that 21st Avenue be identified as Lighthouse Way as the street name.

As a condition of the Plat, the Village Plan Commission and the Board needed to determine whether the need for the installation of a six foot high fence along the south property line as discussed at a previous public hearing related to concerns about kids trespassing on an adjacent property needed to be discussed. Again, it was something that was brought up at a very early opportunity back in our conceptual plan and even into our preliminary plat, and the property owners to the south, David and Paula White, were concerned about having a public park abutting their farm field. Well, at this point due to the large amount of wetlands and the drainageway and the open space, we've moved the public park to the area which is identified as outlot 7. So we do need clarification from the Plan Commission as to whether or not a fence of any type would still be needed in this open space outlot area. So we will need to get some direction on that this evening.

Under tree preservation, Tree Preservation Easements are located on the rear of lots 47 through 63, and that's the area that abuts the Tobin Woods Development, and the entire area of Outlot 2 along the western boundary of the development and on Lot 70 in the central portion of the site. All tree preservation easements including Outlot 2 would need to be labeled as Dedicated Woodland Preservation and Protection, Access and Maintenance Easements. As a point of clarification, we do not want to see any utility easements in the tree or woodland preservation areas because they would serve to do some significant damage to the roots of the trees in those areas. I understand that the developer is working with Rich Hooper with We Energies in order to identify precisely where those utility easements will be located outside of the woodland preservation areas and outside of any storm water management area.

One point I wanted to bring up is that in the dedications language the developer needs to explain and include some specific language with respect to the penalties for cutting trees within the dedicated woodland preservation areas.

Under retention areas, the Developer's engineer has evaluated the development site, based on actual field conditions and has presented a storm water management facility plan. The storm water management plan shall meet the Village requirements as approved prior to consideration of the Final Plat. One of the things I just wanted to bring up for discussion is that there has been communication back and forth between the developers and their engineers of this Lighthouse Pointe Subdivision as well as the Tobin Woods Subdivision. . If you remember back five years ago, the Tobin Woods development was going to be working cooperatively with the Lighthouse Pointe development in order to have one consolidated area for storm water management. And the Lighthouse Pointe developer has been in contact with Tobin Woods but there has not been any agreement with respect to where and if there would be some combined basins on the Lighthouse Pointe property. Months have been passing with respect to the initial discussion. So it's the staff's recommendation that since we still have not received any communication from Kevin Stein in Tobin Woods, that they will need to provide their own retention basin on site and put in 119th Street that butts up to this development, and Lighthouse Pointe would then be responsible for their own storm water management. The deadline is coming close for Tobin Woods. They have until December to have all of their improvements completed because it's been five years. We have a letter of credit posted to guarantee that those improvements go in. We had only been hoping that the two developments could work out some arrangements so that only one basin was going to be required for the two developments. However, that has not happened. So our staff is recommending that this development move forward with the basins as designed in their own subdivision.

Under site access, the development will have two access points onto 116th Street, one at 18th Avenue and one at 22nd Avenue. The one at 18th Avenue lines up with King's Cove, the one at 22nd Avenue lines up with the existing Village road north of 116th Street. The other access points include 121st Street, which will connect to the east for future development and an access point at Lighthouse Way which will connect to the south. Of course, there's the final connection and that will be at 119th Street which will be a connection for both Tobin Woods as well as Lighthouse Pointe.

Under temporary turn-arounds, temporary turn-arounds are required for all dead ended streets that are intended to be extended when adjacent land develops. Lighthouse Way, old 21st Avenue, will terminate with a temporary cul-de-sac that would temporarily encroach into Lots 94 and 95 with a temporary cul-de-sac that would temporarily encroach into lots 102, 103 and 104. So there's actually two temporary cul-de-sacs, one going to the east and one going to the south. Cul-de-sacs will be placed on there, and at such time that those roads extend those temporary cul-de-sacs will come off.

The temporary cul-de-sacs at some point will be removed and the easement will need to be vacated in the future by the Village, the cost of which would be by the adjacent developer to extend those public roads.

Under zoning map amendments, on December 20, 2005 the Board adopted Ord. #04-56 to rezone the property pursuant to the Preliminary Plat conditionally approved on the same day. However, as noted, the wetlands were re-delineated on September 6, 2005 by a biologist with the SEWRPC. As a result the zoning map shall be amended as follows:

- the field delineated wetlands as re-verified by the SEWRPC on September 6, 2005 within Outlots 4, 5 and 6 are proposed to be zoned C-1, Lowland Resource Conservancy District;
- Outlots 1 and 3 and the single family lots are proposed to be zoned R-4, Urban Single Family Residential District;
- Outlot 2 and the non-wetlands in Outlots 5 and 6 be are proposed to be zoned PR-1, Park and Recreational District;
- the 15 two family lots are proposed to be zoned R-8, Urban Two Family Residential District; and
- Outlot 4, the future condominium area, are proposed to be zoned R-9, (UHO) Multi-Family Residential with an Urban Landholding Overlay District.

As discussed with the Conceptual Plan, Outlot 4, the proposed area for future condominium area would be developed with a PUD since it is the developer's intent to develop the property with more than one structure per property. This will allow him some flexibility with respect to zoning requirements as long as there's a defined benefit to the community. The staff will begin preparing a detailed PUD once we've got some more detailed concept plans to look at for that condominium development. In general the PUD will allow for more than one building per property provided that two unit buildings are condominiums with at least 80 percent owner occupied residency. There's a minimum of 75 percent exterior materials that are natural stone, brick or block. The building types provided have a common theme without being monotonous. The location of the garage doors are largely located as side entry and it allows for some private streets with public utilities and other items to be further discussed as we get further down that process with respect to the condominium.

The Planned Unit Development Overlay as discussed above cannot be approved until the associated text is prepared and we've got some more detailed plans to work with. With that I'd like to continue the public hearings. Again, we have two public hearings on the Lighthouse Pointe project. The first is the zoning map amendment and then the second is the conditional final plat approval.

Tom Terwall:

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

Marv Letven:

Marv Letven, 3875 116th Street, Pleasant Prairie. I would just to thank first of all the staff for all their hard work and many, many hours on this project. We started this back in 2001 and they have put many, many hours into it. I am here to answer any questions. Also, Rich Wagner who is now going to put on a new hat is also here to answer any questions. Thank you.

Tom Terwall:

Thank you. Anybody else wishing to comment?

Jean Werbie:

Just for the record, we've actually been working as a staff on this property since 1994. So I know that these developers only picked it up later than that, but we've actually been working it for about 12 years on this particular property so it's been through a lot of review and a lot of iterations.

Tom Terwall:

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

John Braig:

Two items. The intersection of 116th Street and 22nd Avenue is not clear to me. For one thing, it does appear as though the 22nd Avenue extension southward does encroach on lands that don't appear to be part of this development. I'd like a little clearer picture of what that intersection would be.

Jean Werbie:

That is correct. The developer has purchased Mr. Stamm, and I'm not sure how long ago you worked those arrangements out, but both the Stamms and the LaMoths and the property owner to the south they are keenly aware of this particular plan as they have been involved in the planning process from the very beginning. Mr. Stamm did need to work with the developers and the developers my understanding is are working with Mr. Stamm to acquire that property for 22nd Avenue to line up.

John Braig:

I see a little bit of an extension which looks like it's connecting their old driveway so it looks like a pretty good idea. This will require a loss of some oak trees right there?

Jean Werbie:

A few, but I think the way we had shifted it and adjusted 22nd Avenue it's very few if any. There's a few up at Mr. Stamm's property, but not as you continue south. We adjusted so that even the new driveways to those existing properties would be outside, and outlot 2 which has a good grouping of them that's going to--we created an outlot there so that those trees would not be lost as well.

John Braig:

Okay, good enough.

Jean Werbie:

I don't know the exact number, but I know that we did everything we could over the last five years to avoid any and all trees. And we've met with the neighbors and they have met with the neighbors as well.

John Braig:

Good. The other item has to do with the split rail fence. Is the property owner to the land south of lot 6 in the audience? I know the concern that that property owner had when the playground was discussed or planned for that particular location. A split rail fence I'm guessing we're looking at almost 1,000 feet of fencing. That's a fair expense.

Tom Terwall:

If there was going to be a park there, a split rail fence wouldn't be the answer anyhow. And if there's not going to be a park there, I don't like the precedent of making people put up a fence between their property and the property next door.

John Braig:

I have a reluctance to it. I'm just wondering what kind of commitment we made with the party to the south.

Tom Terwall:

My recollection is we didn't make any. It was an issue that was raised by that property owner but we weren't far along.

John Braig:

And her concern really was trespassing.

Tom Terwall:

Right, little kids.

Mike Serpe:

Jean, on 22nd and 18th Avenues, on 116th Street is there turn lanes, bypass, acceleration lanes? Are those going in?

Rich Wagner:

Rich Wagner, Jenkins Survey and Design, Waukesha, Wisconsin. On 22nd is to the west there we're actually reconstructing that entire intersection and realigning the street to the north. And on 116th we're aligning with the driveway or the street for the development to the north. In fact, that street moves several times to line up with them.

Mike Serpe:

My question was on 116th Street do we have turn lanes going in here?

Rich Wagner:

No, there's bypass lanes, though. So if someone is turning left into the development someone will be able to go around them, right.

John Braig:

One more point. On the temporary cul-de-sacs you have no requirement or indication of signs as we did in our previous development.

Jean Werbie:

They will be required to have the same signs as on the previous development.

John Braig:

I just didn't see it. I'm glad to hear it. Good.

Jean Werbie:

We'll make sure that it's in there if it's not.

Tom Terwall:

No further questions, what's your pleasure?

Mike Serpe:

Mr. Chairman, I'd move approval of the zoning map amendment.

Larry Zarletti:

Second.

Tom Terwall:

MOTION BY MIKE SERPE AND A SECOND BY LARRY ZARLETTI TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP 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.

John Braig:

And there's no fencing requirement in what we just approved?

Tom Terwall:

That's my understanding, correct.

John Braig:

Mine, too. Thank you.

Tom Terwall:

Now we need a motion to approve the final plat.

Mike Serpe:

So moved.

Larry Zarletti:

Second.

Tom Terwall:

MOTION BY MIKE SERPE AND A SECOND BY LARRY ZARLETTI TO APPROVE THE FINAL 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.

F. Consider the request of Scott Erdmann, property owner, for a Lot Line Adjustment between 9234 30th Avenue (Richard) and 3010 93rd Street (Erdmann).

Jean Werbie:

Members of the Plan Commission, the petitioner is requesting to adjust the lot lines between 9234 30th Avenue identified as Tax Parcel Number 91-4-122-133-0541, owned by Richard, and 3010 93rd Street identified as Tax Parcel Number 91-4-122-133-0535, owned by Erdmann.

This proposed Lot Line Adjustment is to adjust the lot line between the two referenced parcels. The end result of the Lot Line Adjustment will be two conforming, more regularly shaped rectangular lots, both improved with single-family dwellings and detached accessory garages.

Both properties are zoned R-4 (UHO), Urban Single Family Residential District with an Urban Land Holding Overlay. The R-4 District requires lots to have a minimum frontage of 90 feet on 15,000 square feet in area. As information, the current setback requirements for single-family structures in the R-4 District are 30 feet from street property line, 10 feet from side property lines 25 feet from rear property line and 75 feet from the ordinary high water mark of a navigable waterway.

First property, 9234 30th Avenue owned by Andrew & Caren Richard, is improved with an existing 1,161 square foot single-family, 1-½ story dwelling, constructed in 1930 and a 976 square foot detached garage. The Lot Line Adjustment will result in the elimination of this L-shaped lot into a more uniform, rectangular-shaped property consisting of approximately 17,410 square feet with 90 feet of frontage on 30th Avenue.

The existing dwelling will remain a non-conforming structure due to the fact that the house does not meet the minimum 30-foot street setback requirement. The Plat of Survey depicts the street setback of this house at 15.7 feet. Also, the area of the detached accessory building exceeds the area of the first floor living area of the house or 816 square feet, which results in another structural non-conformity. The parcel has a 15 foot wide Drainage Easement along the rear or west property line.

The second property is 3010 93rd Street and it's owned by Scott & Kimberly Erdmann. It is improved with an existing 1,472 square foot single-family, 1-½ story dwelling, constructed in 1930 and 448 square foot detached garage. The Lot Line Adjustment will eliminate the western leg of the abutting L-shaped Richard property to the west and attach this portion of the Richard property to the Erdman property. The end result will be the elimination of a nonconforming property and the creation of a more uniform rectangular-shaped and R-4 conforming property. The property will be 14,574 square feet with 100 feet of frontage on 30th Avenue.

The distance between the existing single-family dwelling at and the associated detached garage is 9.5 feet. Therefore, these structures are considered non-conforming due to the fact that they don't meet the minimum of ten foot separation spacing. The parcel has a 15 foot wide Drainage Easement along the side or west property line.

In conclusion, the proposed Lot Line Adjustment between the property will result in two conforming, more regularly shaped rectangular lots, both improved with single-family dwellings and detached accessory garages in the R-4 (UHO) district.

The Village staff recommends approval as presented subject to the comments as outlined in the staff memo.

Tom Terwall:

Comments or questions? What's your pleasure?

Larry Zarletti:

Mr. Chairman, I'd move approval.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY LARRY ZARLETTI AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE LOT LINE ADJUSTMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

G. Consider the request of Kenneth & Tracy Rasch, owners, for a Certified Survey Map to subdivide the property located at 3125 116th Street into two (2) parcels.

Jean Werbie:

Members of the Commission, the petitioner is requesting to divide the property located at 3125 116th Street, Tax Parcel Number 92-4-122-362-0025, located on the south side of 116th Street, to create an additional parcel.

The property is currently zoned R-4 (UHO), Urban Single Family Residential District with an Urban Land Holding Overlay District. Pursuant to Village Ordinance regulations, the R-4 District 15,000 minimum areas and frontage of 90 feet on an improved public street and a minimum lot depth of 125 feet. The minimum street, rear and side setbacks for a house in the R-4 District are 30 feet, 25 feet and 10 feet respectively.

Under the certified survey map, Lot I – Lot I is unimproved and is proposed to be 19,962 square feet in area. Lot I is proposed to have 100 feet of frontage on 116th Street and have 200 feet of lot depth.

Lot II - Lot II of the CSM is proposed to be 149,405 square feet or 3.43 acres with 96.49 feet of frontage on 116th Street and 990.14 feet in lot depth. According to Village records, Lot II is improved with a 1,680 square foot bi-level, single-family home originally constructed in 1954

with an addition and remodel permit issued in 1998. With the proposed division of the property, the existing single-family dwelling will remain a conforming structure.

The house is serviced by municipal water and sanitary sewer. Lot II is also improved with two detached garages and associated driveways; 1) an approximate 704 square foot detached garage constructed in 1954, and 2) an approximate 384 square foot detached garage.

As information, the two detached garages are considered non-conforming uses because the Village Zoning Ordinance does not allow detached accessory structures in the street yard. Additionally, the two detached garages may be considered non-conforming structures in that these structures may not meet the minimum separation distance of 5 feet between accessory structures.

Both proposed Lots I and II meet and exceed the minimum requirements of the R-4 District.

Additional 116th Street right-of-way shall be dedicated for the full lengths of Lots I and II in order to achieve a southern ½ right-of-way width of 50 feet, identical to the 50 foot wide northern ½ right-of-way for this section of 116th Street. The revised CSM will need to adjust the proposed Lot I and Lot II areas as a result of the additional right-of-way dedication.

The subject property is not located within the limits of the 100-year floodplain. However, the extreme southern portion of Lot II may contain wetlands that are associated with a navigable waterway that traverses just south of the property. As information, any future improvements on Lot II are required to maintain a minimum 75 foot setback which is the shore setback from the Ordinary High Water Mark of that navigable waterway. Also, if future improvements are proposed for the extreme southern portion of Lot II, prior to the issuance of any zoning or building permits, a wetland delineation may be required.

When a new single-family dwelling is constructed on Lot I, the house shall connect to both the municipal sanitary sewer and water systems.

According to Village records, there are no outstanding taxes or assessments on this property. There would be a \$1,600 per residential unit sewer connection fee for any new connections to the sanitary sewer system.

The payment of \$2,381 in Village Impact Fees will be required at the time the building permit is issued for a new dwelling on Lot I.

According to Mr. Rich Hooper at WE Energies, no additional utility easements are required, and the land division conforms with the Village's Land Division and Development Control Ordinance, Village Zoning Ordinance and other relevant ordinances and requirements of the Village. The staff recommends approval of the proposed certified survey map subject to the comments and conditions as outlined in the staff memorandum.

Tom Terwall:

Jean, do we allow garages on a parcel without a house?

Jean Werbie:

Nope, not typically.

Tom Terwall:

So aren't we creating a nonconforming situation here?

John Braig:

I don't think so. The house and two garages are on the same parcel.

Tom Terwall:

I thought there were two garages on the parcel that's being separated off?

Jean Werbie:

The house has the two garages, and then the parcel is vacant. The new one that's being created is vacant.

Mike Serpe:

Move approval.

Mike Pollocoff:

On the question, I spoke with the Village Engineer, he's been working on the drainage on this. As this goes to the Plan Commission one of the recommendation is going to be that we're putting some storm water easements on there because there is some drainage concern, especially as the new lot would develop. So I guess we want to have that caveat in there before this thing is approved by the Village Board that some additional storm water evaluation or engineering take place on this. That may require easements to be placed on the CSM.

Jim Bandura:

Both parcels?

Mike Pollocoff:

Yes.

Tom Terwall:

Is there a second to the motion.

John Braig:

With that amendment?

Tom Terwall:

THE MOTION BY MIKE SERPE AND A SECOND BY JOHN BRAIG IS TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM SUBJECT TO EVALUATION BY THE VILLAGE ENGINEER AS TO WHETHER OR NOT STORM WATER DRAINAGE EASEMENTS–

John Braig:

And other comments as provided by staff. I'll second it.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

H. Consider the request of Dusica Cvorovic, agent for Creekside Hill LLC, owner of the property generally located east of 39th Avenue at 114th Place for approval of a Certified Survey Map, Development Agreement and related documents to dedicate and construct a cul-de-sac at 114th Place and create four (4) single family lots on said property.

Jean Werbie:

Members of the Plan Commission this is a request of Dusica Cvorovic, agent for Creekside Hill LLC, owner of the property generally located east of 39th Avenue at 114th Place for the approval of a certified survey map, development agreement and related documents to dedicate and construct a cul-de-sac at 114th Place and create four single family los on the property.

Under residential development, this property which is approximately 17 acres is proposed to be developed into 4 single-family lots:

- Lot 1 is proposed to be 28,627 square feet;
- Lot 2 is proposed to be 607,208;
- Lot 3 is 53,955 square feet; and
- Lot 4 is proposed to be 28,024 square feet.

Each of the lots meets the minimum requirements of the R-3, Urban Single Family Residential Districts, which requires each lot to be a minimum of 20,000 square feet with 100 feet of road

frontage. The lot layout and development is consistent with the Conceptual Plan as conditionally approved by the Village Board on January 17, 2005.

Under population projections, this development will have little impact on the population in the Village. There will be four dwelling units. At full build out it is proposed that there would be 11 persons in this development, and pursuant to the information provided by the Kenosha Unified School District for Pleasant Prairie, two public school age children are likely to come from this development.

Under environmental features, there are no wetlands on the property; however there are wetlands on the adjacent property to the south in Outlot 1 of Country Corner Subdivision and Outlot 4 of Country Lane Subdivision which were field delineated on November 22, 1996 by the Wisconsin DNR. Tobin Creek, a navigable waterway and associated shoreland, is also located on the adjacent properties, Outlot 1 of Country Corner Subdivision and Outlot 4 of Country Lane Subdivision.

A tree survey was completed on the property and as a result Tree Preservation Easements have been identified on Lots 1 and 2 of the property as shown on the CSM.

Under retention areas, a retention basin to handle the storm water management on this site is provided in an easement on Lot 2. The Developer's engineer has evaluated the development site, based on actual field conditions and has presented a storm water management facility plan. The storm water management plan meets the Village requirements.

Under site access, this development will have one access point onto 39th Avenue on a new roadway to be known as 114th Place. 114th Place will be a cul-de-sac constructed with sewer, water, curb and gutter and storm sewer which will provide access to the four lots proposed to be created. Permits have been obtained from Kenosha County for this roadway connection to CTH EZ or 39th Avenue. There will be no direct driveway access to CTH EZ and noted on the plans from the individual lots.

Under variances, on August 1, 2005, the Village Board approved the following two variances from the Village Land Division and Development Control Ordinance:

- To allow the vertical curve of the 114th Place be greater than 1 percent due to the existing slope of the site.
- To defer the submittal of a detailed grading and drainage plan and mass grading of the subdivision or the development site until building permits are submitted for each individual lot. A grading plan is required to be submitted for approval on each lot as a part of the building the single family home.

These Variances were granted subject to compliance with the conditions as specified in the attached Variance Grant Documents #05-05 and #05-06. The owners shall execute the documents and record them at the time the CSM and other related documents are approved and executed for recording at the Kenosha County Register of Deeds Office.

Under zoning map amendment, on January 17, 2005, the Village Board approved Ord. #05-07 to rezone the property as follows:

- C Lots 1, 3 and 4 were rezoned into the R-3, Urban Single Family Residential District;
- C the wooded area of Lot 2 was rezoned into the C-2, Upland Resource Conservancy District;
- C the non-wooded area on the western portion of Lot 2 was rezoned into the R-3 Urban Single Family Residential District; and
- C the area generally located east of the wooded area on Lot 2 remains in the A-2, General Agricultural District.

As discussed at the time that the Conceptual Plan and the Zoning Map Amendment were conditional approved, the area of Lot 2 that remained A-2 will be farmed and no structures, excluding fences, will be able to be constructed on this portion of the property. In the future, as land develops north of this A-2 area and access is provided, this land may be able to be further subdivided.

The staff has all of the documents that are in order. The development agreement as well as the memorandum have been submitted to you for draft review, and the staff recommends conditional approval of the certified survey map and the related documents. When they are in their final form it would be placed on the Village Board agenda.

John Braig:

I'm looking at a drawing which shows a dedicated woodland protection preservation area. It outlines a boundary of limited building area. The lands as they extend further east are not depicted on this drawing, but I assume they are all included in the woodland preservation area?

Jean Werbie:

Actually they aren't because the bulk of the land that is east of this is all open farm field.

John Braig:

Oh, it is?

Jean Werbie:

Yes.

John Braig:

Okay. I pictured it all as wooded.

Jean Werbie:

No.

John Braig:

And lots 3 and 4 are then in open areas, too?

Jean Werbie:

That's correct.

John Braig:

They're down the hill from that wooded portion?

Jean Werbie:

That's correct.

John Braig:

I would move approval.

Judy Juliana:

I second.

Tom Terwall:

MOTION BY JOHN BRAIG AND A SECOND BY JUDY JULIANA TO APPROVE THE CERTIFIED SURVEY MAP AND DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS 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. Consider Plan Commission Resolutions #06-08 through #06-10 to initiate zoning map amendments as a result of wetland stakings being completed.

Jean Werbie:

Members of the Plan Commission, Plan Commission Resolution 06-08 is a resolution to initiate a zoning map amendment on some properties. On June 30, 2005, the Village received an application from Angela Maniewski for a wetland staking to be completed on their property generally located in the 900 block of 102nd Street, and it's further identified as Tax Parcel

Number 93-4-123-194-0845. This property is identified as Lot 23, Block 4, Carol Beach Estates Subdivision, Unit #7.

The Village received a letter dated March 8, 2006 from SEWRPC that indicated that the plat of survey correctly surveyed and correctly identified the wetlands on the property as field staked on December 8, 2005.

The second Resolution is 06-09, and this Plan Commission Resolution is also to initiate a petition for an amendment of the zoning ordinance which includes the zoning map. On July 21, 2005 the Village received an application from John Leag Schaut, owners, for a wetland staking to be completed on their property at 3101 104th Street in the Village of Pleasant Prairie, and their property is identified as Tax Parcel Number 92-4-122-252-0013. It's identified as lots 12-22 of Electric Station Highlands and also vacated 31st Street.

The Village received a letter dated March 8, 2006 from SEWRPC that indicated that the plat of survey correctly surveyed and correctly identified the wetlands on the property as field staked on November 17, 2005.

And the final resolution you have before you is Resolution #06-10, again, for the Plan Commission to initiate a petition for an amendment to the zoning ordinance which includes the zoning map. On July 5, 2005, the Village received an application from Oscar Biondolillo for a wetland staking to be completed on the property generally located in the 11200 block of 3rd Avenue. It's further identified as Tax Parcel Number 93-4-123-304-0225 also identified at Lot 17 of Block 17, Carol Beach Estates Unit No.2 in Pleasant Prairie.

The Village received a letter dated March 8, 2006 from SEWRPC that indicated that the plat of survey correctly surveyed and correctly identified the wetlands on the property as field staked on December 8, 2005.

All three of these requests are before you for the Plan Commission to initiate the process to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District. The Plan Commission through this resolution is only initiating a petition to amend the Village zoning map. The Village Plan Commission is not taking any action with respect to these requests this evening, it is only initiating the process by which the proposed changes can be addressed and a public hearing can be held before this body.

The staff recommends approval of Resolution #06-08, 06-09 and 06-10 as presented.

Mike Serpe:

So moved.

John Braig:

Second.

Tom Terwall:

IT'S MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO ADOPT RESOLUTION 06-8, 06-09 AND 06-10. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

6. OTHER SUCH MATTERS AS AUTHORIZED BY LAW.

7. ADJOURN.

Larry Zarletti:

Motion to adjourn.

John Braig:

Second.

Tom Terwall:

MOTION TO ADJOURN BY LARRY ZARLETTI AND A SECOND BY JOHN BRAIG. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.