

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
June 26, 2006**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on June 26, 2006. Those in attendance were Thomas Terwall; Wayne Koessl; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. Michael Serpe and Donald Hackbarth were excused. 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 did receive a piece of correspondence regarding the first item on the agenda this evening, so I think we'll hold that over until that item comes up as part of a public hearing.

- 4. CONSIDER THE MINUTES OF JUNE 12, 2006 PLAN COMMISSION MEETING.**

Wayne Koessl:

I move they be approved in their printed form.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO APPROVE THE MINUTES OF THE JUNE 12, 2006 MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 5. CITIZEN COMMENTS.**

Tom Terwall:

If you're here on any of the three public hearings tonight, A, B and C, we would ask that you hold your comments until that public hearing is held so that your comments can be incorporated as part of the official record of that public hearing. However, if you're here to discuss any other issue 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. Is there anyone wishing to speak under citizens comments?

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Kari Kittermaster, agent for Regency Hills-Devonshire, LLC for the 86 acre property generally located south of 93rd Street between 48th Avenue and Cooper Road for the proposed 114 single family lots to be known as the Devonshire Subdivision.

Jean Werbie:

Mr. Chairman, before we start on this item, one of the Plan Commissioners had approached me and indicated that she had a family member that works for MasterCraft Development, so she's asked to excuse herself with respect to a conflict of interest in voting on this matter. I think she can participate in the conversation and ask any questions, but she cannot vote on this matter this evening and that would be Andrea Rode.

Mr. Chairman and members of the Plan Commission and the audience, this is a request of Kari Kittermaster, agent for Regency Hills-Devonshire, LLC for the 86 acre property generally located south of 93rd Street between 48th Avenue and Cooper Road for the proposed 114 single family lots to be known as the Devonshire Subdivision.

Specifically, the petitioner is requesting approval tonight for this Devonshire Subdivision. This subdivision is proposed to be located in the north central portion of the Village Green Neighborhood.

In accordance with the Village Comprehensive Plan, the Village Green Neighborhood is classified as being within a Low Density Residential land use category having lot areas of 19,000 square feet or more per dwelling unit. This allows for areas of the Neighborhood to have larger lots while other areas to have smaller lots. On February 13, 2006, the Plan Commission held a public meeting and approved a revised Neighborhood Plan for the Village Green Neighborhood. This is attached as part of your information as Resolution #06-02. The Devonshire Conceptual Plan complies with the approved Village Green Neighborhood Plan.

As shown on the screen, the neighborhood plan does extend from the Kenosha County Bike Trail on the east all the way to the tower line on the west from approximately 93rd Street south to Highway 165. So it's about a mile and a half square area. The area identified in the red dashed area is the proposed Devonshire development.

In this subdivision, residential development comprises 87.45 acres of land and is proposed to be developed into 114 single-family lots and 12 Outlots. The single family lots range in size from

15,000 square feet to 21,593 square feet per lot with the average lot size of 16,288 square feet. So the lots range in size from about a third of an acre to a half acre. Each of the lots meets or exceeds the minimum requirements of the R-4, Urban Single Family Residential District. All lots within this development shall have at least 125 feet of lot depth. In reviewing the details of the concept plan, lots 108 to 114 just fall short of that 125 foot lot depth and will need to be adjusted to meet that minimum. The increase of lot depth can be accomplished by shifting Cooper Road south of Lot 107 to gain the minimum lot depth or acquiring additional land from the west.

Lots 27, 28 and 29, which are actually in the very northeast corner of this proposed concept plan that abut the Meadowdale Estates Subdivision are being recommended to be increased to 18,000 square feet in area because of the larger lots adjacent to the east in Meadowdale. The remaining lots abutting the Meadowdale Subdivision, 8 through 26, have open space areas contained within Outlot 2 to create the appearance of larger lots. So as you can see on the slide, there is storm water retention as well as green space and wooded area long this whole eastern boundary, so the rest of the lot extending south and all along the east property line actually have several hundred feet before they even touch the eastern property line of this proposed subdivision.

A number of streets shall be renamed including:

- C 48th Avenue west of 50th Avenue shall be renamed as 96th Street;
- C 49th Court shall be renamed as 50th Court; and
- C 50th Court shall be renamed as 51st Court.

What happens basically is that when we give these concept plans to the building inspectors, they start very early in the process to take a look at the street names and the addressing of the future subdivision. So as we move forward through the process the engineering plans and the plats and everything can be appropriately named or numbered so that all of the documents are the same and it's not so difficult later on to start changing some of those names.

The entire development provides for a net density of 2.07 units per net acre. The Village staff this past week along with two Plan Commissioners and the developer had an opportunity to have a discussion with the adjacent landowner at the southeast corner of 93rd Street and 43rd Avenue. Mr. and Mrs. Safran had some questions for the planning staff as well as the developer with respect to what was going to be happening with their particular property as this project moves forward.

Specifically, as we have outlined on the screen as well as in your staff comments:

1. Outlot 3 is a remnant parcel and it's proposed to be conveyed by the Developer to the existing property on the east side of 48th Avenue, at no charge to the property owner. If for some reason the adjacent property owner does not accept the dedication of land from the Developer, then the Outlot area shall be dedicated to the Village as additional 48th Avenue right-of-way at the entrance to the subdivision.

Basically what happens is two outlots are being created on either side of 48th Avenue as it comes down from 93rd Street. So instead of creating these spike strips or these outlots, the developer has agreed to transfer those two outlots to the Safrans as well as the adjacent property owner to the west.

2. The property owner's existing 16 foot wide driveway accessing 93rd Street shall be relocated from 93rd Street to 48th Avenue by the Developer, at no charge to the property owner, in order to remove the driveway from the acceleration radius of 48th Avenue and 93rd Street. It is proposed that the new 16' concrete driveway approach and driveway will intersect the existing driveway. The existing 93rd Street driveway apron and the first slab of concrete from the existing driveway will be removed by the developer, at no charge to the property owner and the area restored by grading and seeding. The proposed approximate length of the driveway would then be 20 feet from the garage to the edge of the new driveway, there would be 16 feet for the new driveway and the remainder of the driveway would be 32 feet for a turnaround.

So, again, what we're proposing is to remove the driveway off of 93rd because it's in the acceleration lane, and then it's going to be relocated off of 48th Avenue on the east side. Part of the driveway will remain for a t-turnaround, and then the rest will still exist leading up to the garage.

3. There will be no right-of-recovery special assessments due to the Developer for improvements in 48th Avenue from the property owner as a result of installing the public sewer, water, roadway, curb and gutter in 48th Avenue or the relocation of the new driveway leading from 48th Avenue.
4. One of the three existing pine trees will likely need to be removed as a result of the new driveway from 48th Avenue. As soon as we're done with these points I'm going to go through a couple of the photos that we took out there to help explain this situation to you. The developer will remove the tree at no cost the property owner and replant two 11'-12' similar pine trees or two 2 1/2" caliper hardwood trees or a combination of the two in an appropriate location as discussed and agreed to by the property owner.
5. A 25 foot wide tree preservation easement will be added to the rear of lots 27, 28 and 29 to protect an existing tree/brush line along the eastern boundaries of the lots.
6. Something that had come up as part of our discussion out there, We Energies is proposing to relocate two utility poles in the right-of-ways at approximately 48th Avenue and Cooper Road as a result of this Subdivision. Further discussion is needed between the property owner and We Energies to discuss the impact of the pole relocation on their property.
7. The property owner has two existing, detached sheds that will be located adjacent to in the future 48th Avenue right-of-way at the southwestern corner of the property. It possibly will have a six foot street setback and less than a one foot side setback. These sheds can remain on the property as they will be considered legal nonconforming structures, but they will not meet today's codes as it pertains to street or side setbacks upon the platting of the subdivision. The existing slab and fence attached to the sheds shall be removed at the property owner's cost as they currently encroach onto the adjacent Developer's land. The plat will need to note that these slabs and the fencing will be removed.

This is a shot of 93rd Street, I should say, looking north towards 93rd street, and this is the approximately property line. This is the existing house owned by the Safrans. There are three existing pine trees at this location and another existing tree at this location. 48th Avenue is

actually across the street. You can't really see it too well right here, but the road will be extended straight so that both 48th Avenue north and south align.

This photo is taken from where I'm standing on 93rd Street and I was looking south. Again, the property corner stake is right here, and here is the location of the three pine trees. The driveway, as I mentioned previously, is actually going to be located in the acceleration lane if it remains. So this portion of the asphalt as well as the last section of concrete will need to be removed, and then their new driveway will come off of 48th Avenue east/west where it connects to their driveway.

In the back southwest corner of their property they have two existing sheds. 48th Avenue will be behind these sheds just to the west. And this shed right here, if you can see the post right there, it's less than a foot from the property line, but it's within the boundaries of their property. So these two sheds will remain at that corner, and then the existing slab as well as the fencing encroaches actually onto the property to the south and that will need to be removed. This is just another shot looking due west, and this shows you the area that's going to need to be removed. The property corner is actually right here so those sheds will remain. They will be legal, nonconforming, so if they are damaged or destroyed in any way and due to their proximity to the right of way, they would not be able to be replaced at that location. They would need to meet current setbacks. There's one more photo of that one.

This is a photograph just to bring to your attention that there's a tree line along the eastern boundary of this property just south of the Safran's property. And those trees, well, some of them are on the adjacent property. Many of them are right on the property line and then they hang over. And we took a tape measure and at least for those three lots that I had mentioned there's going to be a 25 foot tree preservation easement area where we're not going to want any utility easements or any land disturbance, and then once we get past those three lots then the rest of the whole area is all within an outlot preservation area. So I just wanted to show everyone the tree line that we're looking to preserve between the Devonshire Subdivision and the Meadowdale Estates Subdivision to the east.

As I mentioned, there are 13 outlots in this particular subdivision. Outlot 1 is proposed to be dedicated, as a fee interest transfer to the Village of Pleasant Prairie. This Outlot shall be labeled as dedicated by the developer to the Village of Pleasant Prairie for park, trail, open space, access and maintenance purposes. There will also be an area within Outlot 1 that is labeled as Dedicated for Wetland Preservation and Protection, Access and Maintenance Purposes as that wetland will be protected.

Then there will be a number of outlots, Outlots 2, 5, 7, 8, 9, 12 and 13 that are proposed to be dedicated to the Homeowner's Association through a fee interest transfer. The Outlots shall be labeled as Dedicated by the Developer to the Homeowner's Association for Open Space, Tree Protection and Preservation, Access and Maintenance Purposes. There will also be an area within Outlot 2 that is labeled as Dedicated for Wetland Preservation and Protection, Access and Maintenance Purposes.

Outlots 3 and 4 are proposed to be dedicated, fee interest transfer, to the adjacent property owners. This is what I mentioned earlier because they'll go to the either side of 48th Avenue. If for some reason, the adjacent land owners do not accept the transfers of land from the Developer, then the Village will accept those transfers and make the right of way from 48th Avenue wider at the entrance of the subdivision. The Village staff did not have an opportunity to meet with the property owner that is located west of 48th Avenue to discuss the removal and replacement of one

of their driveways from 93rd Street so that discussion does need to take place between now and the next planning step.

Outlot 6 which is now under the control of the developer, but which wasn't when we originally presented their first concepts in their circulation to the Plan Commission and to the public, will be incorporated into the development and additional lots shall be shown on the Preliminary Plat for the subdivision. This will result in some lot renumbering as well as some outlot renumbering.

Outlots 10 and 11 are proposed to be retained by the Developer for further single family lot development if and when the adjacent land is purchased for development. Along Cooper Road, a lot line adjustment is being contemplated between the adjacent land Developers pending some ownership and environmental investigation of the site. The situation is the way it was laid out in the concept plan is that four or six lots are split between the Devonshire property and the land to the west. So instead of creating half lots, I believe that they're trying to work out a lot line adjustment so some of them come this way and some go that way so that whole lots can be created at the time of platting of the subdivision.

We are recommending that one of the conditions of the concept plan is for them to get those details worked out prior to the final plat being approved, if possible, so that the boundaries can be firm because, once again, once the preliminary plat has been approved, those boundaries are set and to change those boundaries they would have to come back for preliminary plat approval.

Under population projections, based on the 2000 Census information for the Village, there is an average of 2.73 persons per household. School age children between the ages of 5 and 19 make up 23 percent of the population. Therefore, based on the currently shown 114 lots, it is projected that 311 persons could likely be added to the population upon full build-out of this development. The subdivision would likely generate 72 school age children at full build out. According to the Kenosha Unified School District, 48 public school age children are likely to come from this development at full build out. The Village continues to provide copies of these developments to the Kenosha Unified School District, and this is used to assist in their school enrollment projections, school facility planning and school boundary adjustments. We meet with the School District, just so you know, every three to six months so they're constantly brought up to date with any projects that are in the development pipeline or that are going to be presented in the near future.

The next category is zoning map amendment. The properties are currently zoned R-4, Urban Single Family Residential District; a portion of the R-4 area has an AGO, General Agricultural Overlay on the property, and a portion has an ALHO, Agricultural Landholding Overlay District and a portion has an UHO, Urban Landholding Overlay District; a portion of the property is zoned C-1, Lowland Resource Conservancy District.

A Zoning Map Amendment will be required to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District, excepting any wetlands that are granted approval to be filled; the single family lots, excluding the wetlands on Lot 93, Outlots 3, 4, 6, 10 and 11 would be recommended to be rezoned into the R-4, Urban Single Family District. All of the Outlots 1, 2, 5, 7, 8, 9, 12, 13, excluding the wetlands, would be recommended to be rezoned into the in the PR-1, Park and Recreational; District. The rezoning is typically done at the time the Preliminary Plat is considered.

Under open space, approximately 25.5 acres or 29 percent of the entire site is proposed to remain in open space. The open space within the development includes a public park, wetlands, woodlands, retention areas and other open space:

On the site for wetlands, a total of 7.78 acres of the site have been delineated as wetlands by Wetland and Waterway Consulting on September 26 and October 1, 2002 and approved by the Wisconsin Department of Natural Resources on January 21, 2003 and have been labeled as Dedicated Wetland Preservation and Protection, Access and Maintenance Easement. Approximately 32,091 square feet or .74 acre of wetlands is proposed to be filled for the construction of Cooper Road, 96th and 97th Streets and 50th Court; therefore 7.05 acres of wetlands will remain on the property. As you know, wetland stakings are valid for five years and in the event that the subdivision is not final platted within that five year time period, they will need to have those wetlands redelineated.

The petitioner has received a letter from the U.S. Army Corps of Engineers dated March 8, 2006 that states that the Army Corps of Engineers will take jurisdiction over all the wetlands on the property. The developer has provided the Army Corps with documentation and exhibits identifying the proposed wetland fill areas. The field delineated wetlands excepting any wetlands that are granted approval to be filled will be rezoned into the C-1, Lowland Resource Conservancy District.

Under woodlands, a detailed tree survey was prepared by Natural Resources Consulting. A number of trees will be removed; however, approximately 3.6 acres of wooded areas located within the lots are proposed to be preserved and are located within Dedicated Tree Preservation and Protection, Access and Maintenance Easement Areas on Lots 1, 2, 7, 9, 12, 13, 27, 28, and 29. These Easements shall be legally described on the Plat. In addition, in the Outlots, an additional 16.9 acres of woodlands, wetlands and other open space will be preserved.

Under navigable waterway, I think I'm going to skip that one for right now just because I did receive an e-mail from I think the Army Corps of Engineers today. I didn't open it so I'm not sure what it said in relation to the navigable waterway on the site and I'll let the developer address that particular point.

Under parkland, the Developer is proposing to dedicate Outlot 1 which is 8.61 acres or just under 9 acres of land, to the Village for the Village Green Neighborhood Public Park. They have also offered to donate \$200,000 for park related improvements in this neighborhood park. A wooded 9.36 acres of land to the east within the Meadowdale Estates Addition #1 has already been dedicated to the Village for the same park purposes. In addition, the Village Green Heights Addition #1 subdivision, which is going to presenting their final plat within the next 60 days, they are also dedicating 6.62 acres for the Village Green Neighborhood Park.

So amongst all of these developments, the Village Green Neighborhood Park east of Cooper Road will be approximately 25 acres as indicated in the Village Green Neighborhood Plan. As shown on the slide at this time, you can see the variety of different types of park related amenities. A portion of the Village Green Neighborhood Park to the east will be more of a woodland preservation/walking trail type system from the Meadowdale Estates area extending to the west. And then as you get further to the

west, closer to Cooper Road, there's a ball field as well as a soccer field, tennis courts, volleyball, parking lot, and some other pavilion and some other amenities. And as you continue west of Cooper Road there's going to be a walking trail system. Again, that's going to bring you all through this development as well as some other open space amenities for the neighborhood and the area to enjoy.

I'm going to jump down to site access. This development will have two access points onto 93rd Street, one as I mentioned at 48th Avenue which is the north/south road to the east, and then the second at Cooper Road. Other access points include 94th and 96th Streets to the west which will connect into the Swanson Development, and then there will also be a connection to the east into the Meadowdale Estates Development at approximately 97th Street. So there will be a number of access points.

And a very important access point that actually just comes off the property which I'd like to talk about is the Cooper Road connection. That will take you from 93rd Street through Devonshire and the Swanson Development, and that will take you south and then eventually it will take you into the Village Green Development, through the Village Park and all the way down to Highway 165. So you can see with this development and the next development and the ones we've previously approved there will be a local collector or a local arterial that connects 93rd Street down to 104th Street when these developments are completed.

As I mentioned, Cooper Road is an important local arterial for all of the proposed developments in the area. Each development needs this connection in order to provide adequate access for their respective developments. The developers of this Development, the Village Green Addition #1 Subdivision to the south, and the developers of the property to the west which is Simon and Swanson, wherein Cooper Road will be connect from the Devonshire Subdivision to the Village Green Subdivision and the Village, have all been discussing an action plan to be put together for the timing of Cooper Road. And the two points that I just wanted to bring up is:

1. Each Developer will give the Village a dedication of the Cooper Road right-of-way as soon as it is possible. The dedication from the property to the west of Devonshire will need to be accomplished by a Certified Survey Map since remnant parcels will be created, and the other two developments will be dedicated through the Final Plats for their developments. A second option would be for a lot line adjustment to be completed with the Devonshire development and the properties to the west to include the adjustment of the lots as discussed earlier and to include all of the right-of-way of Cooper Road north of the Village Green Heights development within the Devonshire Development. This would allow the roadway to be dedicated all within the Devonshire Subdivision. So as you can see we've been working on a number of options so that we can get the Cooper Road dedication and that roadway construction sooner than later.
2. All of the Developers are proposing to have some phase of approvals prior to the end of this year that will include the designing of the public improvements and commencing the installation of the public improvements in accordance with the Village installation requirements in Cooper Road. The Village would draft one development agreement with a letter of credit for these improvements and the developers would need to enter into separate agreements for all related costs. Again, further discussion is needed as we move forward to understand exactly which developer is taking responsibility for which segment of Cooper Road to be completed.

Prior to consideration of the Devonshire Preliminary Plat or Village Green Final Plat, whichever occurs first, a written agreement shall be provided that explains who is designing, paying for and if any recapture agreements are proposed for the construction of Cooper Road from 93rd Street south into the Village Green Development.

Next, under public improvements, an additional right-of-way is being dedicated on 93rd Street, 50 feet from center line would be the total. By-pass and acceleration and deceleration lanes will be required on 93rd Street at 48th Avenue and a full intersection of some type will be required at Cooper Road. A roundabout is being considered at Cooper Road and 93rd Street. It would need to meet some design criteria as well as speed limit criteria for it to happen. 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. In particular:

- < Municipal water will be extended into the development from 93rd Street, throughout the development and connect to municipal water in 97th Street to the east.
- < Municipal sanitary sewer will be extended from the existing sewer located at the intersection of 48th Avenue and 93rd Street, throughout the development and will connect to sanitary sewer in Meadowdale Estates Addition #1 at 97th Street and through an easement on Lots 19 and 20 and Outlot 2.

The last thing I wanted to talk about with respect to the Devonshire Development is the fiscal review. The Village staff and departments heads and the Village Administrator have been very aggressively working on a fiscal review in putting together a model for analyzing all development in the Village. I'm sorry to say we are not done with that review in putting the model together. It's a lot more time intensive than we had even imagined that it would be in that every single department is actually needing to answer a series of questions based on the information provided to us in helping to put information together to prepare this model so that we can do the analysis. So I've prepared a paragraph that I'm going to read into the record. I have been working very closely with the developer, and my understanding was that the Village was concerned about the impact of this new development on the Village, its services, and the drastic changes in the recent impact fee law that would affect the Village of Pleasant Prairie. This developer has agreed to do a number of things in order to move his particular project forward. So what I'd like to do is just read the paragraph that I have put together in working with the developer over the last couple of weeks.

Under fiscal review, a fiscal impact analysis shall be completed by the Village staff for the proposed Devonshire Development as it relates to the amount of Village tax dollars collected from the development and the level of Village services required to serve the development. The Village staff is aggressively working on completing the analysis for this project. The developer has willingly agreed to donate approximately nine acres of park land for the Village Green Neighborhood Park; they've agreed to, provide \$200,000 for park-related improvements for the park, and to provide a donation to the Village to address any shortfalls in funding/fees collected for police, fire/EMS, public works and transportation. Based upon the currently proposed 114 lots and the previous fees collected, and remember we did have impact fees at a level of \$2,361 per lot, the developer is willing to donate a total of an additional \$99,294 prorated at the time of lot sale to the Village to compensate the Village for the decrease in impact fees collected.

Since the fiscal impact analysis review is weeks away from being completed, the developer is requesting conceptual plan approval to move the planning process along and has agreed to work with the Village upon the completion of the fiscal analysis. A detailed Cost Sharing Agreement shall be executed between the Village and the developer which addresses all of the related contributions to be made to the Village.

So with that I'd like to continue the public hearing for the conceptual plan for Devonshire. I know the developer's agent, Nancy Washburn, is in the audience. One thing I'd like her to address has to do with the navigable waterway status within the development and any other items that she'd like to present.

Nancy Washburn:

Good evening. I'm Nancy Washburn from Regency Hills Development Corp and MasterCraft Builders. Thank you for hearing us tonight and we appreciate any of your questions in the future and I'll be happy to answer them. Regards the navigable waterway on the property, we've known for a long time that the DNR had not considered that a navigable waterway. In going through all of the permitting process that we did for filling of the wetlands in Cooper Road and the other road locations that Jean mentioned in her staff review, between the Army Corps of Engineers and the DNR the Army Corps chose to take jurisdiction, however, over all of the wetlands and the permits.

In doing so what they determined was, again, they agreed that there was no navigable waterway on the property, but because of it being in a watershed that is tributary to a downstream navigable waterway of the nation and we are connected it through the pond in Meadowdale and then the surface area, the water on our property, starts on our property, flows through the storm water detention basin in Meadowdale and then conveys through street ditches and other means of conveyance to a large waterway of the nation and they took jurisdiction.

In the long run it's really a good thing. It's an easier permitting process. They were familiar with what we wanted to fill and we have supplied them with all the information they need. Those permits should be to us very shortly. But that is the ultimate navigable waterway determination on this site. And the DNR is willing to write a letter to that if staff would also like that additionally the DNR will provide us a letter. Heidi Hopkins was on vacation, though, and has just returned, but it is not navigable.

I guess what I'd like to do is let anyone else in the audience provide their comments and I'll be happy to rebut to those comments as well as answer any questions you all have unless you have something for me right away.

Tom Terwall:

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

Walter Safran:

Hi, good afternoon. My name is Walter Safran. I'm the homeowner at 4733 93rd Street there in the presentation on the exhibits. My wife is Marsha Urbanski who is the granddaughter of the

previous owner of Devonshire which is George Rumachek. So this property we do have some special interest in that we'd really love to see it developed but developed properly, in that this whole concept is actually the key to the development with Meadowdale on the east side, you've got Cooper Road connecting into Village Green, and this one kind of holds the whole key into successful development south of 93rd Street.

But the main reason I'm here tonight is on behalf of my wife, Marsha, and myself to voice our objection to the relocation or the turning of our driveway 90 degrees to exit onto proposed 48th Street. The driveway has been in existence for nearly 50 years. The driveway and home at 4733 93rd Street was constructed in 1959 by my wife's father, Mitchell Urbanski. Mitch graduated from the University of Wisconsin-Madison in the early 1940s. He was a licensed, registered professional engineer by the State of Wisconsin. He worked at American Motors for 40 years where he was employed as Superintendent of Plan Engineering. There wasn't a man with more integrity or professionalism and attention to detail. Everything was pre-measured and pre-calculated and built to the highest engineering standards. He even received letters of acclamation from the Mayor of Kenosha for his engineering and environmental accomplishments.

The intersection of 48th Avenue and 93rd Street was constructed in the mid 1950s. The house and driveway were constructed after the intersection was created almost 50 years ago. The driveway and its location was constructed and approved in accordance with the building codes and Village ordinances in effect in 1959. We believe that the driveway should be grand fathered into acceptance in its present location and not be turned or relocated. At least four times in the last three weeks I have asked the Village of Pleasant Prairie for an ordinance saying where the driveway should be located in relation to an intersection. I've also asked MasterCraft. Kerry is not here tonight, but I've asked twice about an ordinance of where that intersection and the driveway should be. Even in tonight's presentation I did not hear an ordinance measure saying driveways should be located X number of feet from an intersection.

In MasterCraft's proposal, or the Village's proposal to turn the driveway to the side on 48th Street, it measures 70 feet from the corner from the intersection. The current location is 60 feet from the intersection going east and west on 93rd Street. If you can approve 70 feet as an allowable variance you can approve 60 feet as an allowable variance. Therefore, again, my wife and I are voicing our objection to the proposal to turn the driveway.

I'd like to also talk about 48th Street itself. It's the secondary entrance into Devonshire. It's not the main entrance. The only thing behind there is one road, a cul-de-sac and 24 homes. That's where MasterCraft is currently proposing to start the construction. The secondary entrance at 48th and 93rd Street is not the right place to put the initial entrance into the subdivision. There is minimal visual appeal with only 93 feet of frontage on 93rd Street. The area surrounded by older existing residential area that has been there for over 50 years. You can't even see the open farmland behind the residential area.

I believe in order for the subdivision to have a successful start I believe that the initial main entrance should be developed off of Cooper Road offering many visual open spaces. Start the construction at Cooper Road, no 48th Avenue. Begin the building and extending Cooper Road from 93rd Street to 104th Street connecting to the north side of Village Green and Main Street. There are already two main entrances designed off Cooper Road. A major artery opens up the north side of Village Green and Main Street. Both subdivisions will prosper. Thank you.

Tom Terwall:

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

Patricia Miller:

My name is Patricia Miller and my mother, Millie Miller, lives and owns the home at 4825 93rd Street just west of the Safran's property. That was also my grandfather, George Rumachek who farmed that land. I was raised on that land. I don't currently live there at this time, but my name is on the deed to the house and I will in the very near future be living there again where I plan to live the rest of my life.

I have a great deal of sentimental attachment to that land. I, too, disagree with putting 48th Avenue right between the two properties, Safran's and my mother, Millie Miller. I think there are better locations for that access road than right between there. I, too, think my driveway should be grand fathered. It has been there at least 50 if not 60 years. I think there are other openings, other alternatives that are much better suited to this than disrupting these two properties that have been there for many, many years. I think even the property just west of my mother's house that is a much wider area for an access road for your acceleration and deceleration lanes where it wouldn't disrupt anybody else's property or driveways.

I have not formally met yet with the MasterCraft people, but this meeting just happened to fall where it did before I had that meeting and I wanted to come and verbalize my disagreement with where they want to put 48th Avenue. 48th Avenue, if you say you want something that runs all the way through, the other side of 93rd Street, the north side, that's a dead end road. That road will never go anywhere. There's a cemetery behind it so it's not like it goes through to the rest of the City and would be an access road to the rest of the City. It doesn't. So to insist that 48th Avenue continues straight through and across between the two properties it confuses. It just doesn't quite make sense to me why it has to be right there. I think there are other locations, other entrances that would be a better choice. And that's mainly why I came to this meeting today is to let you know that I do not agree with their proposal. Thank you.

Tom Terwall:

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

John Braig:

Before we start, I just want for the record to indicate that I had a professional relationship with Mr. Urbanski some years ago. I'm since retired and I'm sure nothing in this matter or anything in my past experience with him would influence any judgment or decision I'd make tonight.

Tom Terwall:

Thank you. Jane, maybe you can answer this. In regards to Andrea's request to not vote, since our action is only a recommendation to the Village Board, she does not have a conflict, is that correct?

Mike Pollocoff:

She does have a conflict.

Tom Terwall:

She does, even if it's only a recommendation?

Jean Werbie:

Yes.

Mike Pollocoff:

It's right under the ethics law for the State as well as the Village ethics ordinance. If an individual on a Board or Commission has any relationship with an employer or one of their family has a relationship with an employer and their action could benefit that person then they need to recuse themselves.

Tom Terwall:

I stand corrected.

Larry Zarletti:

Is there a confirmed safety risk with leaving the driveway where it's at? Or, is it simply that it would not then conform to our rules?

Mike Pollocoff:

Well, if you visualize a four-way intersection with four streets coming in where traffic would be traveling, and then I think it's roughly 15 feet or 10 feet away from that intersection where you could have cars pulling in and out ahead of the traffic I think that's what we're looking at. What we're following is transportation and safety standards.

Now, 93rd Street, the different between 93rd Street and 48th is 93rd is an arterial. As time builds up the traffic on that road will be running at a greater rate. So if you have cars pulling north coming to 93rd Avenue on 48th Avenue looking to make a left or right, and you have somebody looking to enter into a driveway on either side or coming out of that driveway, you could conceivably have two vehicles coming out relatively close together.

I think from the staff's perspective we can appreciate the fact that they've been there a long time. A professional engineer laid it out and I believe he did a good job of laying it out for what it was at the time, but this would be an opportunity to remedy a problem that doesn't exist today, granted, but down the road it could be a problem and at that point if there was a change that would be wanted by the homeowners it would be at their expense.

Larry Zarletti:

Does this take place anywhere else in the Village? Do we have a situation where an intersection is that close to a driveway that you know of?

Tom Terwall:

We moved a driveway similar to this . . . off of 93rd Street into Prairie Village West.

Mike Pollocoff:

Yes, there. Down by King's Cove we moved one. Where we come up with these where you have development occurring next to existing development is we rely on the standards to correct those conflicts before they go very far. Because typically at the time that street is constructed the developer can assist the homeowner by having that driveway relocation being done at the developer's expense. I can't think of one where we allowed it to exist.

Larry Zarletti:

And my last question is to the developer as to why did you choose 48th to go in rather than an alternate route, and is there an alternate route available that would fit in with your plan?

Nancy Washburn:

48th Street, the access there, was when we originally looked at this parcel, Mr. Zarletti, we actually didn't own or control Cooper Road or any of the lands that it's on. We initially purchased the Rumachek parcel of land. It was then as we were looking at the platting of that and the neighborhood plan that the Village staff and commissions at that time said through our ordinances you have to have multiple entrances. And so we went ahead then and made the additional acquisitions to Cooper Road. Cooper Road will be a major collector street for the Village, but our signature entrance to Devonshire is going to be at 48th Avenue.

We were asked by Village staff as we were looking at our site plan to look at a number of different alternatives that we presented. And after initial staff review of those preliminary plans they wanted 48th Avenue to line up with an existing roadway, 48th Avenue on the north side, and the entryway by moving it to some of the other locations along 93rd Street as was mentioned to go to the west of their homes, well, that just puts us--again, now you've got intersections offset, and the idea was to make minimal--take driveways off of 93rd Street to line up with existing roadways which for traffic and safety makes good sense.

One of the other things which we talked about out at the site and the Safran's driveway relocation is their existing driveway will actually be right at the tip of the acceleration lane leaving the site. Their driveway will run into that. So they're actually going to be exiting their existing driveway at a point where cars are coming right off so trying to get onto 93rd Street from our site.

Larry Zarletti:

You mean if it stays where it is?

Nancy Washburn:

Correct, if it stays where it is. So we're relocating it into the inside of the subdivision that based on staff's recommendation to take away that potential hazard. So there were a number of reasons, but over the last four years as we've been working on this we have been ordained by the Village

and your ordinances to have multiple entrances which we have. We wanted access onto 93rd Street, direct access into our site, and Cooper Road as a major arterial. So we have side streets coming off of that, but this was a signature location for us.

Larry Zarletti:

And the cost of moving that driveway?

Nancy Washburn:

The cost of moving the driveway?

Larry Zarletti:

Yes, I don't mean what is the amount, I mean it is taken care of by the developer?

Nancy Washburn:

Yes, sir.

Larry Zarletti:

Thank you.

John Braig:

Following up on the discussion of the extension of 48th Avenue north and south as one of the entrances to this development, as I see it we can't dictate that this driveway be moved. I mean it's legal where it is. If a developer wants to make a change and create a problem, we can't impose this on the existing property owner. The question I have in my mind is you want to line up 48th Avenue going south with 48th Avenue going north. If 48th Avenue going north was a through roadway going all the way up to 85th Street or for that matter 75th Street, I could appreciate the importance of alignment of the two roadways. If 48th Avenue going north only served one lot and never served any more lots, there would be no value in the argument that you present.

As it is, I don't know how many lots or homes there are north of 93rd Street on 48th Avenue, but it can't be much more than a half dozen. In perpetuity it will never be any more. So I'm looking at the argument that we should have 48th Avenue north and south aligned with the possibility of putting a different entrance into this development in the area that is now designated at Outlot 5, and it could connect with either one of the two cul-de-sacs that are indicated in that area.

So as I see it, our trade off here is to approve the development and, of course, we can't require the relocation of the driveway, so we would be approving a development with 48th Avenue coming from the south being very close to the driveway in question. Or, we could approve this development but require the developer to put the entrance to his development off of 93rd Street in an area crossing Outlot 5. Have you followed all this and does the staff agree with me?

Mike Pollocoff:

I follow what you're saying. I guess respectfully we've requested the developer to follow the neighborhood plan that the Plan Commission has adopted which reflects that 48th matches up with 48th Avenue. I don't remember if it's a dozen or ten the number of homes that are on 48th Avenue, I agree that that road dead ends and will never extend any farther, but from a standpoint of turning movements to have two roads where you have 48th going north, a new road might be 49th going south, Cooper Road going north and south, but then that short span on an arterial, again, I think that wouldn't be ideal.

John Braig:

The condition is, is that condition better or worse than having the Safran driveway remain in its existing location? It strikes me that we've got to pick one of the two.

Mike Pollocoff:

Well, I think as far as the driveway if they feel that they really want to have their driveway exit on the acceleration lane or the deceleration lane, I'm not sure that--I think we could probably require that those driveways be relocated.

John Braig:

I disagree with you entirely. We cannot require that the driveway be relocated because it is private property.

Tom Terwall:

Jean, do you have a comment on that?

Jean Werbie:

Yes, the ordinance is very clear that if you're going to approve a preliminary plat or a final plat for a subdivision it needs to be in compliance with today's ordinances. And the driveway safety criteria which is the section that Mr. Safran is looking for, Section 420.47, it talks about driveways facing to an adjacent arterial roadway.

Walter Safran:

I'm sorry, our house is not part of Devonshire.

Jean Werbie:

That's correct, but the existing driveway that's on 93rd, is going to be in violation of the current ordinance if that subdivision is approved as it is.

John Braig:

We have no choice then. We cannot force a change on Mr. Safran. So you're telling us we can't approve this as it's presented to us. This isn't argumentative. It's just the way I see it.

Andrea Rode:

Isn't this also a safety issue as far as we do have a home there where you have a driveway that's right on a busy highway.

John Braig:

I don't disagree with the safety aspect.

Andrea Rode:

It would be so much better to have it on a side road to go in and out of your property.

John Braig:

That's not an argument here. The point is Mr. Safran is not part of this deal at all except it impacts on him. We cannot force the relocation of his driveway. It's not within our power.

Tom Terwall:

Is that true?

Jean Werbie:

I disagree.

Mike Pollocoff:

I would disagree with that, but we could get an opinion from the attorney.

Jean Werbie:

We don't want to create a situation where it becomes a traffic hazard or traffic problem for the landowner.

Andrea Rode:

That is my whole point that we would create something.

(Inaudible)

Tom Terwall:

I have to stop you right there. Go ahead, Wayne.

Wayne Koessl:

Mr. Chairman, I agree with Andrea that I thought this was a safety issue is the reason why they were going to do 48th Avenue and making that right turn and that traffic lane is safer for people that are going in and out of there. I cannot see a driveway becoming part of an intersection that has a passing lane and a right turn lane. It just doesn't make sense. Also, I think we have to

remember here that part of our action here is to make sure that subdivisions are developed safely and according to the Village present ordinance. Also, this is a conceptual plan, and as we all know that before we get a final plat before us there are always changes made by the developer and the Village staff working together to make sure everything fits as a good development for the Village of Pleasant Prairie and also the developer.

I don't think the developer, if I may continue, purposely did that to make it a kind of thorn in the peoples' sides here. She worked with the Village staff to look for the right intersection. That's my comment.

Jean Werbie:

What we're trying to do right now is scale off the separation spacing. The Plan Commission and the Board would have to support a variance because we would not have the separation spacing between public roads on a local arterial of the 350 feet because we'd be jogging the intersections. But we would have about 330 feet, so if the Plan Commission decides that that's enough spacing, 48th Avenue could extend to the north and 48th Avenue could extend to the south. They could still get lots on either side. They're going to have to redo their storm water management in that area, but you could possibly get a road coming south instead of that cul-de-sac.

Tom Terwall:

And where would you relocate 48th Avenue?

Jean Werbie:

It wouldn't be 48th anymore. It would be 49th Avenue.

Tom Terwall:

Here's my question. I'm thinking about several places that come to mind. For example, just east of this you have 41st Avenue going into Meadowdale Farms, and then just west of that you have 42nd Avenue going north into Prairie Village. Those two roads don't line up. And I really can't say it's a problem. The same situation exists on 85th Street at 43rd Avenue going south into the area where Tiribasi developed several years ago. But you have 42nd Avenue a half a block east going north and 43rd Avenue a half a block west going north. So you have 43rd Avenue going north and south about 300 feet I'm guessing separation. I guess I can't say that--if this was a thoroughfare and we were looking at making a jog like that, that would concern me. But given the fact that 48th Avenue to the north is never going to be a major road, and remember houses is probably ten at the most, one recently built. I'm not sure if there's any more lots at all, but given the fact that there's a cemetery in there I'm not sure that you're ever going to build there. That's a problem.

Nancy Washburn:

I know this is a public hearing so--

John Braig:

No, it was closed.

Nancy Washburn:

I guess in listening to all this is as the developer I sit here and, as always, we've been in Pleasant Prairie developing in your Village for quite a while now, and we've always done and gone way above board to buy adjoining properties, work out purchases of land. Mission Hills is a case in point to achieve all of our accesses. The question I pose to you now as a Plan Commission as you're struggling with this, and John I understand where you're coming from, it's a matter of protecting all of the rights of the parties, but the question I ask you is if we move this intersection, I'll put the intersection wherever they tell me to that's going to work out for everyone to be happy.

Now, if I move this intersection further to the west so that the Safrans and Jessie Rumachek are satisfied and don't have to make any changes in their lives, now I'm going to be right next to Steve Rumachek, another heir to this ridiculous situation. It's like, wait a minute, what if he's upset? Now, where do I go with my entrance? I believe, and I think of after four years of neighborhood planning and looking at all of the alternative, I think that the entrance to 48th Avenue is reasonable. It lines up with another right of way.

Remember what we talked about in our presentation and, again, it was a huge part of this neighborhood plan. What are we creating? A 25 acre park down at the south end of this. People are going to be accessing that park from Cooper Road as well as coming through Meadowdale Estates on 97th Avenue and as well as coming down off of 93rd onto 48th Avenue. If you don't have these intersections lining up, you're going to have people going by 48th, coming down in between. You're going to have all sorts of offset intersections and now you are going to have outside traffic coming into this traffic for these amenities and it's not going to be traffic controlled.

The choice of moving the driveway to me is the choice you all have to make. It's a matter of pick your battle over which variance you want to support really, because all of them are about variances. I'm sorry. Thank you. It's frustrating. I'm going to go from one family member to the next and I can't make them all happy. I just don't know how.

John Braig:

Let me respond to that. I totally support what you're saying, Nancy, and I can understand it. But we are dealing with do we relocate the driveway or not? I'm saying that relocating the driveway is an absolute impossibility because the property owner has the right to refuse to permit it. If this was a municipal improvement we could use eminent domain and do something but it's not. It's a private development and we can't impinge on one private property owner at the benefit of the other.

Nancy Washburn:

And I guess the reason we're talking about relocating the driveway is because for ultimate public safety your staff would prefer to see that happen. And that's why we started the conversation with them. If you as a Plan Commission determine that that's not within the Village's jurisdiction to demand that, then we'll leave it alone. That's okay with me.

Judy Juliana:

I have two questions. What would be the liability to the Village if we would deny moving the driveway? What would be our liability? Second, if the driveway is moved, if we do approve to move the driveway, what is the liability? I'm looking for liability and safety of the homeowners entering and exiting their driveway if we leave it as it is. I'm concerned about people coming in and out of the development off of 48th Avenue and 93rd. What is the liability? What is the safety? We as a Village what is going to be our concern, what is going to be our risk if we allow it? If we decide to move the driveway it's going to be safer and less risk for the homeowners to enter and exit their property and what's the liability to the developer?

Mike Pollocoff:

I'll kind of work backwards. There really is no liability to the developer. The developer will be completing their design based on the requirements that the Village sets forth for them. They'll have done that and then once that's completed they're done. The liability from the Village's standpoint is that if we allow to have a condition exist knowing that it doesn't meet our own standards or our own ordinances, then we've in essence created a danger. Now, does that measure neglect? I don't know.

I think from the staff's standpoint our recommendation is if that 48th Avenue goes through there the driveway needs to be relocated. Driveways are a permitted activity. When you get a driveway that's a permitted access. The Village can adjust that permit, modify the permit. Same thing with Kenosha County and same thing with the State of Wisconsin. You can't take away the access altogether, but if there's a modification that's required by the permit we're authorized to do that. So from a liability standpoint my experience is we're liable for everything because we get sued for everything. But as far as if we know for a fact that we're allowing a condition to exist that doesn't meet accepted traffic standards then there you are.

Judy Juliana:

So if we allow this to remain as is with the access and not move the driveway we're in for it basically?

Mike Pollocoff:

We'll be the deep pocket.

Judy Juliana:

And our pockets aren't deep. So in my opinion I think for the safety issue, the liability and to protect the homeowners I would really like to have that driveway moved.

Larry Zarletti:

Just a yes or no answer if I could get from Mr. Safran. I'm very interested to know if before you came to this meeting tonight that you were aware that not moving the driveway would be a safety issue with regards to it being this acceleration lane. I mean did you know this coming in and does that not bother you? Or, is that something you learned now and could be of a concern to you as well?

(Inaudible)

Mr. Safran:

I'm aware that it's an acceleration lane but I'm not . . . but I also say that 48th Street when it's constructed does not need the acceleration lane or even the deceleration lane . . . the deceleration lane goes all the way across or three quarters of the way across Mrs. Miller's property which is my neighbor to the west. The acceleration lane goes across my driveway, however I'm sure with a little engineering the road could be constructed joining 93rd Street without acceleration or deceleration lanes . . . regular intersection there.

Larry Zarletti:

I started out my comments originally asking the staff if there was a confirmed safety risk with leaving the driveway there and I did get my answer to that. I am satisfied with that. Safety has been a part of my life for more than 30 years and I think that overrules about anything else in my mind with regards to moving that driveway. I also believe that MasterCraft has met their responsibility with regards to everything that the staff has asked them to do. So I didn't think we could go on without asking those questions but I feel that they've been adequately answered.

Wayne Koessl:

Mr. Chairman, I don't know if the staff or the Commissioners have any more comments, but I'm going to make the motion that we send a favorable recommendation to the Village Board to approve the conceptual plan subject to the comments and conditions of the Village staff on the report of June 26, 2006. I cannot see approving something that's in violation of our ordinance as far as safety and roadways go, so that's my motion.

Tom Terwall:

Is there a second?

Jim Bandura:

I'll second.

Tom Terwall:

Any further discussion?

John Braig:

I'm a little bit concerned about the trees here. I got an incomplete tree report so I didn't have the opportunity to go out in the field and investigate it. I've got pages missing. But the comment was made that some trees will be cut, and from I can see we've got an awful lot of trees that are going to be cut so that is a concern. I'm reluctant to indicate such great approval. I've got no problem with this proceeding to the Board because it is a conceptual plan, but I have some grave concerns about the trees which I still hope to address before the final plan is approved.

My other comment is it was very clear before as to what property rights are. So when it comes to the vote I'll indicate my position.

Tom Terwall:

IF THERE'S NO FURTHER COMMENTS THERE'S A MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

John Braig:

Aye.

Tom Terwall:

One opposed.

Jean Werbie:

I'm not sure why you didn't get all the pages.

John Braig:

Nobody has it, page 3 and 4.

Wayne Koessler:

Jean, if I may through the Chair, as they develop that site we'll get a regular update on where all the trees will be left and all those that will be cut down once they lay out their roads and their sewers and everything else.

Jean Werbie:

We actually have that and I can show that to you. Was it the narrative that you don't have or the map that you don't have?

Tom Terwall:

The narrative page 2 through page 5. We're missing one sheet of paper numbered on both sides.

Wayne Koessl:

Page 3 and 4, Jean.

Tom Terwall:

But let's not hold up this meeting for that.

Jean Werbie:

One of the things that we had talked about is we are actually going to walk this site, and if I can find out which three Plan Commissioners--we were going to do it last week but it rained, so if I can get three volunteers from the Plan Commission we intend to walk that property within the next few weeks and then we can through the entire thing at that point walking through the site. So if there's three volunteers we will certainly contact you or Jan will and we will walk that property. So if John wants to do it, I don't know if Larry or Don or Wayne.

Wayne Koessl:

I'll do it depending on the date and the hour.

Tom Terwall:

We'll move onto Item B.

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLAN for the request of Kenneth Kohlmeier, agent for Hospice Alliance Foundation, Inc. owner of the property located at 10220 Prairie Ridge Blvd. for approval of a 16,825 square foot addition to the Hospice Alliance facility. The addition will be utilized to support the expanding clinical staff that services the areas for home hospice care.

Jean Werbie:

The next item is a public hearing and consideration of a conditional use permit including site and operational plan approval for the request of Kenneth Kohlmeier, agent for Hospice Alliance Foundation, Inc., owner of the property located at 10220 Prairie Ridge Boulevard. It's for the approval of a 16,825 square foot addition to the Hospice Alliance facility. The addition will be utilized to support the expanding clinical staff that services the areas for home hospice care.

As a part of the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below:

Findings of Fact

1. The petitioner is requesting a Conditional Use Permit and Site and Operational Plans to construct a 16,825 square foot addition to the existing Hospice Alliance Facility located at 10220 Prairie Ridge Blvd. The Conditional Use Permit Application and Site and Operational Plan Application and the related attachments are provided as Exhibit 1.
2. A Conditional Use Permit including Site and Operational Plans for the existing facility was approved by the Plan Commission on July 8, 2002 pursuant to Conditional Use Permit #02-08 which is provided as Exhibit 2 and the facility was completed and opened in 2003.
3. This facility provides 24 hour care to terminally ill individuals who have a life expectancy of six months or less. There are currently eight residential beds available for inpatient care.
4. Pursuant to the Operational Plan, the addition will be used to support the expanding clinical staff that services the area for home hospice care. The average census of home care patients has more than doubled since the facility opened. Hospice Alliance has 80 to 95 full and part time employees. The majority of the professional hospice team spends most of their day out in the field. The office and facility staff includes approximately 25 employees. Hospice will continue to operate the residential care facility 24 hours a day, seven days a week. The Facility will have business hours from 8:00 am to 4:30 pm with an on call nurse based out of this office the remainder of the evening hours.
5. Hospice has recently purchased an additional 1.075 acres of land to the north of the existing facility from VK Development wherein the expansion is proposed to occur. VK Development is supportive of their site and operational expansion plans.
6. This 1.075 acre property that was purchased is currently zoned B-2 (PUD), Community Commercial District with a Planned Unit Development Overlay District, and the parcel with the existing facility is currently zoned I-1 (PUD), Institutional District with a Planned Unit Development Overlay District. The petitioner is requesting to rezone the northern portion of the property into the I-I District so that the entire property is zoned I-1 (PUD). The proposed use is allowed in the I-1 District with a Conditional Use Permit. The public hearing for consideration of the Zoning Map Amendment is also on tonight's agenda.
7. Notices were sent to adjacent property owners via regular mail on June 7, 2006 and notices were published in the *Kenosha News* on June 12 and 19, 2006.
8. The petitioner was e-mailed a copy of this memo on June 23, 2006.
9. According to Article XVIII of the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing that the project as planned, will not violate the intent and purpose of all Village Ordinances and meets the minimum standards for granting of a Conditional Use Permit. In addition, according to Article IX of the Village Zoning Ordinance, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and will comply with all other requirements of

applicable federal, state or local statutes, regulations, ordinances or other laws relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, streets and highways and fire protection.

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

Tom Terwall:

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

John Schmidbauer:

I'm John Schmidbauer from Kueny Architects. I have no further comment, however I am available for questions that the Commission may have.

Tom Terwall:

Thank you. Anybody else? Anybody else? Is there anybody else? Was Mr. Kohlmeier instruct to be here this evening, the petitioner?

Jean Werbie:

The agent representative is here in the audience.

Tom Terwall:

I understand, so we don't need the petitioner here?

Jean Werbie:

Not as long as their representative is here.

Tom Terwall:

Thank you. Any comments or questions from Commissioners or staff?

Jim Bandura:

Mr. Chairman, if there's no further comments I'll move for approval. I've had the opportunity to use Hospice for my mom and I think this facility is really needed. It's an unfortunate part of life.

Tom Terwall:

I wish we could say we're going to deny this because it's unnecessary but we're a long ways from that point I'm afraid. Jean, do you need to read this into the record before we vote or not?

Jean Werbie:

I would just like the motion into the record--first thing I just want to summarize the staff conclusions and recommendations, but I need the motion to read that your decision is based on the standards that have been met by the Village applicant.

The Village staff has determined that based upon the foregoing information presented in the application and at the public hearing that the project meets the standards for granting a Conditional Use Permit and Site and Operational Plan approval in that the project:

- < does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems;
- < does not impair an adequate supply of light and air to the adjacent properties;
- < does not increase danger of fire;
- < does not create storm water flooding or drainage problems;
- < has no existing identified hazard, danger, harm, offensiveness or nuisance related to the proposed use;
- < the proposed and applied for use on this particular parcel is not inconsistent with either the I-1 District or the adjoining Commercial or Residential Districts; and
- < the proposed and applied for use will comply with all applicable Village, State and County regulations as it relates to this project.

So based on that the staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for the conditional use permit and site and operational plans as described above, then approval of the conditional use and site and operational plans shall be approved subject to the conditions as outlined.

Jim Bandura:

My motion to include what you mentioned, Jean.

Judy Juliana:

Second.

Tom Terwall:

BASED ON THE FACT THAT THE COMMISSION HAS FOUND THAT THE PETITION MEETS THE REQUIREMENTS AS SET FORTH IN THE STATUTES AND READ IN THE RECORD BY JEAN, THE MOTION BY JIM BANDURA AND SECOND BY JUDY JULIANA THEN IS TO APPROVE THE CONDITIONAL USE PERMIT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? Am I to understand this will not increase the number of beds, is that correct?

John Schmidbauer:

That is correct. The majority of the Hospice patient care are still people that choose to be in their homes. However, that number has greatly increased, and so the office space is required to support that community wide.

Tom Terwall:

How many beds are there now?

John Schmidbauer:

There are currently eight and that's going to be the maximum.

Tom Terwall:

Any feel for what the occupancy is, 60 percent, 70 percent?

John Schmidbauer:

At any one time it really varies. I think they probably had no more than five at a time in there total.

Tom Terwall:

So you're not pushing that to the limit at this point?

John Schmidbauer:

No, and really the majority of the people still would like to spend their final days at home and that's able to be mostly accomplished.

Tom Terwall:

Thank you.

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Kenneth Kohlmeier, agent for Hospice Alliance Foundation, Inc. owner of the property located at 10220 Prairie Ridge Blvd. to rezone Lot 2 of CSM 2514, which is a portion of the property that was recently purchased and combined with the Hospice property (Lot 2 of CSM 2314) from B-2, Community Business District into the I-1, Institutional District. The PUD (Planned Unit Development Overlay District will remain on the entire property.

Jean Werbie:

Mr. Chairman and members of the Commission, the petitioner is requesting to rezone Lot 2 of CSM 2514, which is a portion of the property that was recently purchased and combined with the Hospice property from B-2, Community Business District, into the I-1, Institutional District. The Planned Unit Development Overlay District will remain on the entire property.

This 1.075 acre property that was purchased is currently zoned B-2 (PUD). They are proposing to go to I-1 (PUD). The petitioner is requesting to rezone the northern portion so that the entire property is zoned I-1 (PUD) and a 16,825 square foot addition to the existing Hospice Alliance Facility can be constructed.

This facility provides 24 hour care to terminally ill individuals who have a life expectancy of six months or less. There are currently eight residential beds available for inpatient care. The proposed addition will be used to support the expanding clinical staff that services the area for home hospice care. The average census of home care patients has more than doubled since the facility opened. Hospice Alliance has 80 to 85 full and part time employees. The majority of the professional hospice team spends most of their day out in the field. The office and facility staff includes approximately 25 employees. Hospice will continue to operate the residential care facility 24 hours a day, seven days a week from 8:00 to 4:30 with an on-call nurse based out of this office for the remainder of the hours.

The staff recommends approval of the zoning map amendment as presented.

Tom Terwall:

Comments or questions?

John Braig:

Move approval.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

7. ADJOURN.

Wayne Koessl:

So moved.

John Braig:

Second.

Tom Terwall:

All in favor say aye.

Voices:

Aye.

Tom Terwall:

Opposed?