

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
July 24, 2006**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on July 24, 2006. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Andrea Rode; Jim Bandura; John Braig; and Judy Juliana. Donald Hackbarth and Larry Zarletti were excused. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF JUNE 26, 2006 PLAN COMMISSION MEETING.**

Judy Juliana:

Move to approve.

John Braig:

Second.

Tom Terwall:

IT'S BEEN MOVED BY JUDY JULIANA AND SECONDED BY JOHN BRAIG TO APPROVE THE MINUTES OF THE JUNE 26, 2006 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FROM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 5. CITIZEN COMMENTS**

Tom Terwall:

If you're here tonight for any of the items on the agenda listed as a public hearing, we would request that you hold your comments until the public hearing is held so they can be incorporated as an official part of the record. Or, if you're here for an item that is not a matter for public hearing, or if you're here about an item that is not on the agenda, now would be your opportunity to speak. We would ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

Alex Tiahnybok:

My name is Alex Tiahnybok. Address is 8757 Lakeshore Drive. I'm here just to express my admiration for your hard work. I see a lot of professionalism and dedication to what you do and lack of bias. The reason I'm here is because ability to attend meetings has been used as a tool, in my opinion, but it's being done, and what I wanted to say was because of your professionalism I can take the recommendations of the Plan Commission and not have to count on having to do a lot of independent work because I think the work that you do is conclusive, and if there are little tidbits that need to be discussed in Village Board meetings it's an opportunity to do so.

But for somebody in my stage in life, I work hard, I travel a lot with work, I've been at every single Village Board meeting. I haven't missed one, and I think all the Commissions are important. Obviously the work you do winds up before the Village Board probably more than other Commissions' activities, but I just wanted to say it's not possible for me to attend every meeting. Simultaneously it's no sign of disregard for the work you do or the professionalism that you exhibit and that pertains to every single one of you Board members. I just wanted to say that so it would be clear. Thanks.

Tom Terwall:

Thanks, Alex. Let me just say that as a former Board member I would agree it's impossible to attend all Board meetings and all Commission meetings of all Commissions so nobody can be expected to do that. But thank you for your comments. Is there anybody else wishing to speak under citizens' comments?

6. OLD BUSINESS

- A. TABLED PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT at the request of Kurt Meeske of Prime Outlets at Pleasant Prairie LLC, owner, for a Zoning Text Amendment to amend Chapter 420 Attachment 3 Appendix C Specific Development Plans 2. of the Village Zoning Ordinance pertaining to amending the year 2002 Prime Outlets at Pleasant Prairie Planned Unit Development Ordinance.**

Wayne Koessl:

Mr. Chairman, I move that we take Item A off the table.

Mike Serpe:

Second.

Tom Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO REMOVE ITEM A, THE TABLED PUBLIC HEARING, OFF THE TABLE FOR ACTION. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman and members of the Plan Commission and the audience, I'd like to begin by mentioned that the petitioner is requesting approval to amend the 2002 Prime Outlets at Pleasant Prairie Planned Unit Development (PUD). This is Ordinance No. 02-71.

As some background information, on September 16, 2002, the Village Board adopted Ordinance No. 02-71, which is primarily related to signage regulation package for the Prime Outlets at Pleasant Prairie Outlet Mall located at 11211 120th Avenue Phases I-IV.

On November 28, 2005, the Plan Commission conditionally-approved the Final Site & Operational Plans for the two Phase V Prime retail buildings of approximately 59,267 square feet and 94,311 square feet. Prime Outlets is a property that zoned B-3 (PUD), Regional Retail Business District with a Planned Unit Development Overlay District. Again, the Planned Unit Development Overlay that we're going to be talking about this evening is one that my staff has been working on for several months. It relates to a very detailed signage package that you have before you. You have both the illustration version as well as a very detailed ordinance which I'm going to touch on a number of the different illustrations and documents that were handed out to you. But we're going to do it not necessarily by reading through everything that's in the staff memo tonight but following along with the slide show presentation.

Again, before you you have the Prime Outlets Exhibit A which is the signage package. It's the signage exhibit to the PUD. The signage PUD circle signs--we're going to be going through different signage throughout this entire center, and there are very specific names for each of the different types of signage. If at any point you have any questions regarding the types of signage we can go over them. But primarily we are following the sign regulations with the exception of some unique things like we have in Prime here the circle sign location.

It's called the circle sign area because, again, we've got cut throughs that are being created by eliminating some of the structures on each of the previous phases so that you will be able to freely flow from one phase to another and you'll be going around in a circle if you choose, and at the center of that circle will be the prime pavilion which is the food court and a special area where we've got a number of needs that are being met by the shopper.

The signage PUD addressed elements such as the freeway sign. As you can see with this particular sign, as with all the other signs Prime has, we have changed the sign phases to reflect their new logo, their new look, the new colors. In addition, in particular with the freeway sign, the staff has worked with them to allow for some temporary event signage to be valid through the end of the year that addresses the new stores that are opening as well as some new ones that will be opening throughout the rest of the six months of the year. We felt that this was necessary because the existing center is still there and there's new stores that are opening every other week, and it's kind of difficult for the traveler and the shopper to understand what's new and what's not and what's coming up. So that's the purpose of this temporary signage that's located below the freeway signs.

We've got primary monument signs that are going to be located. There are some temporary ground signs that are going to serve as monuments, again, for the next months, to help advertise what's happening, what's new. Every couple weeks the shopper can be treated to a new store or new activity that might be opening at that location. The only thing I'd like to mention here is that the base of these monument signs in addition to having the address on it needs to be painted. I don't want to see the bare concrete that's shown out there now. We'd like to see it painted so that it matches the same color as the rest of the sign. That's what it would look like, another one, if it's in the ground.

We have vehicular directional signage that are going to be placed throughout the center. Again, new look with respect to the new colors that are being presented. We have the service only signs throughout the site. The PUD specifically mentioned how many and approximately where they can be located and what criteria such as the size limitations for each of those signs.

We've got some pathfinder signs to help direct the shopper to which store they'd like to go to. The arrows are going to help direct them not only internal to the circle area but as well on the perimeter of each of the four phases. They have a number of these out there now that help to direct the shopper. But since a number of the stores are jumping from one phase to another or being relocated within a phase, it's important that these pathfinder signs go up throughout the center.

This is one sign that was identified in the previous I through IV phasing. It's a directory sign with vending. They have not put any of these out there. In fact, one of the initial discussions was that if there's going to be Coke machines and other type of vending machines they would be placed within these directory sign opportunities. They did not choose to use these in Phases I through IV. My understanding is they are going to now incorporate these directory signage opportunities throughout the center. One of the items that was discussed was that if there was going to be advertising off premise and to provide the Village with some benefit for having the flexibility of having all this additional signage, that there were going to be some opportunities for the Village and/or the Kenosha Area Convention and Visitors Bureau to use some of these sign faces to advertise upcoming events that are in the Kenosha area as well as the Village as well as other community events that are going to be taking place.

As you can see, there would be a Coke vending facing one direction, a directory on the other, and then there's two opportunities per vending directory sign that would be allowed for either the Village's opportunity or Kenosha area as well as sponsor opportunities for people who are advertising form off site. We do need to work out some of the details yet tonight with respect to how many opportunities that are going to be given to the Village to put these community directory signs in. So we will need to come back to that particular item. The wall sign options

we went back and forth, and finally what it was decided is that there would be a number of different sign opportunities, different types of signage throughout the center, but these would be the various ways in which signs could be displayed throughout the center.

Now we're getting into some of the details. There are small portal wall signs that, again, primarily describes how big, where it can be placed. And then within each of the sign portals as we continue through this they're all dimensioned on the face, so long as the sign that's created fits within the rectangular box or the polygon that's created the sign will meet the criteria intent of the PUD. Again, this is just another opportunity for a larger portal wall sign. This is just an example from the previous phase on what Polo Ralph Lauren had done. Again, additional opportunities for signage. These are the raised canopy wall signs. Again, what we looked at primarily was how large that they could be within the canopy. If you go out there, there's actually a small difference between the sizes of the bandings of the canopies from Phases I through IV to Phase V and eventually probably Phase V. So with these canopy areas getting a little bit larger the signage is actually a little bit larger within these particular areas as well.

Again, raised canopy wall signs, opportunities. What we wanted to do was be as flexible as possible with respect to the various shapes and locations for these different types of raised elements within the center. These are some more opportunities for different canopies. And the in-line wall sign we wanted to make sure that everybody knew where the parameters were with respect to where the signs could be placed.

The freeway end wall signs, this is something unique to this particular PUD. As you will recall, the previous phases we did not allow for wall signage on the very far west wall between the different phases. We decided the walls look kind of blank and they are not very attractive. There's some landscaping there, but it just really doesn't do it justice. So we decided we would afford them some opportunities for some wall signage at those locations as long as it met with, again, the criteria set forth in the PUD regulations.

Something that's unique to the Phase V are the tower and end wall sign opportunities. Again, in these particular buildings of this phase there's these tower elements which actually rise pretty high and then there's some stone elements on each of the corners and it affords some signage opportunities. If you haven't been out there, this is a good opportunity for not only the tenants on the corner but throughout the center to be recognized from a greater distance.

The other element that was added with this particular project was the pavilion. That's in the center in a circle, and after further discussion with the developer and his attorney and staff, we recognized that the stone wall element, because it extends about 40 feet probably into the air up to a certain point, and then another 20 or 30 feet, the top of the tower I believe is about at 70 or 75 feet, that that would be a pretty dominant brick wall without any type of breakup of some type of opportunity for some signage or some type of identifier for the center or for the food pavilion. So we have created an element area on each of the walls to allow for some type of signage for identification. And on the far south tower elevation there's a much smaller opportunity, but a gain that elevation is primarily to identify the pavilion or the food court element. And then there's some opportunities to the east and to the west as well. With respect to the pavilion building itself, we recognized that it would be good to advertise what type of food facilities would be available inside the pavilion, so there's opportunities on the east and west end of the building itself for signage.

Going onto another type of signage, when you're in the inner circle and you're traveling from one phase to the other, we thought it would be a good opportunity for tenant signage and directional signage to help point you in the right direction. If you wanted to go to Coach or Adidas or something that's this way, it would be good to know which way to head. If you're in that circle you can get a little turned around, so we wanted to make sure there were signage opportunities for direction for the tenants in that inner circle area as well as the banding across the top. These are back wall signage. Again, there's a lot of turns within that inner circle. Just as with the previous phases, it's important for each of the service doors to be identified and labeled with the name as well as the number of the tenant space. Again, that's very important for deliveries as well as for fire rescue and police personnel trying to locate a particular tenant in the center.

Underneath each of the canopies throughout the center tenant blade signs are required so that when you walk in on the sidewalk you can see by just looking at the blade signs which store that you're looking for. This helps to identify exactly how large and where those need to be placed. There are some opportunities for wall plaques depending on the uniqueness of the particular tenant and how much they want to add some type of unique touch to the pillar elements as you enter their particular store so that's been identified.

There's portable display stand signs that might identify a particular event or sale opportunity or sidewalk or days or something that's unique that's happening in the center. These signs as well have opportunities for community events or some type of calendar of events that in working with, again, the Village of Pleasant Prairie, whether it's our IcePlex or RecPlex or the Village and the Kenosha Area Convention and Visitors Bureau. Some of these opportunities will be afforded to them as well to change out some of the elements. Up to this point I don't think we've used any of them, but in talking with the President of Tourism she was not aware that they were afforded those opportunities. She indicated that she has a very keen interest in identifying the calendar of events and things like that for the shopper. Typically, again, Prime is a destination. It's a tourist location. But we have a number of opportunities in Pleasant Prairie where we're attracting people from all over the country for various triathlons and other activities. So it would be important for us that once we've attracted them to bring them out to Prime and from Prime to let everyone know what's going on in the community for tourism.

Those were all the various signs that we went through. In the staff memorandum there are some very detailed reportings on the various depths and levels of approval that Prime has received since May 23, 2005. These are all documented in previous meetings that the Village has had. As you can see, the staff has gone through numerous meetings and plan approvals with Prime in order to get all the way to the point where we're looking at final PUD approval as well as the next item which is going to be site and operational plan approval.

I guess at this point I'd like to know if there are any questions from the audience. This is a public hearing, and the developer has a couple of points because we did not get a few items ironed out before the meeting started tonight. So I think this would be a good opportunity for us to talk about a couple of those items as it relates to this signage PUD.

Tom Terwall:

Before I open it up to the general public, I have to ask the developer if you have any additional information you'd like to present?

Mike McTernan:

Attorney John Michael McTernan on behalf of Prime Retail. Also here is Mark Molinaro who put together the architectural work for the signage package you have. And there's also Kurt Meeske from Prime Retail. Address is 6633 Green Bay Road. We spent a lot of time over the past even year now working on updating the signage PUD as it relates to the wonderful phase that we just opened up just before the 4th of July weekend. The only two things that are left, and part of it is just the process of getting ready for the meeting tonight, is the identification of two issues that Jean had mentioned that corporate at Prime that I presented to them when I received them Friday afternoon, they said we still need to work those two small little items out. Aside from that the package looks fantastic. I think everyone is very excited on how it looks so far and how this is the template and how the rest of the project is going to work.

The two areas that we need to resolve, and maybe, Jean, you could go back to the one issue you identified in the slide which I have a copy of. It's in the signage package that deals with the Coke vending machines, SP-9. This is a package that we had put together back in 2002, because at the time when Prime had a signage package, they were envisioning there was a need to put directory placards like this on the site. They weren't certain if they were going to put vending in them. They weren't certain if they were going to put directory on both sides and have it just two sides, as you see there, a directory and then on the other side just another directory with no vending. We weren't certain how it was going to work. As it turned out we didn't do any of them as Jean pointed out. Never had the opportunity. Didn't make sense. Our current facility a structured didn't lend itself to do this.

There's discussions with the Village about if we do do this, and on the sides as you can see sides D and C with B being the vending machine, A being the directory, and then if we have C and D if it's possible, and we've envisioned there could be a time where this could be pushed up against the wall and you may only have A, D and B. We don't know. Now, the site is in constant flux right now as it relates to signage anyways. We're still not certain how this is going to work. But in that respect there was a request from the Village and there was discussions that we're trying to look if we do off premise advertising on C and D.

Say Chrysler wants to have a presence out there that they're advertising. We don't know. But the way these were designed and the way our people at Prime are telling us is that it's a very high end product that is very expensive to have constructed and any ad copy you put on there is very expensive because it's internally illuminated and it is professionally applied like you do a laminated poster or sticker of sorts. I don't know the exact name of it but it was just expensive. And they aren't certain if they can do this even to this day because it's not something you're going to put up and then tear out every month because it's not a poster. It's a very expensive product. So they're still working on do we even do this going forward.

In that regard, the Village required if we were going to do this that they have some opportunities. Prime is amenable to having if we're going to be promoting something there and its off premise which isn't otherwise allowed that we look at a way to putting the Visitors Bureau or the Village having a community event. Prairie Days is coming up, to have something apply to there. The client is very aware that those are an expensive application. The client is aware that the image of Prime is incredibly important, and if we're going to do something like that it has to be something that is very current, doesn't get stale, doesn't look bad, and like they have with their written contracts with Chrysler or with anyone else who does this stuff, if it falls out of favor and you're doing a Christmas promotion and it's March you lose your rights and they tear them out and they don't let you come back.

Those kinds of things they're worried about when you deal with a public entity about what happens if it falls stale. We're working through those issues and I bring that up because we need to spend the next few days with Jean coming up to find out how do we make this work for everybody. How do we give the Village if they want to be able to put something up to advertise the Danskin run that's a community event, or something that makes Village sense, and it doesn't impact the image of Prime we're all for it. But in the same breath there's some language in here that's contractually trying to bind the parties, and it came in late and I looked at it and I have some reservations and I sent it to Prime. Obviously getting it Friday we can't consent to it now, but we need to work with staff like we always do on this issue. That's it.

The only other thing that came up for Jean was the issue with the display ad. This is the first I heard of it tonight unless I'm missing something. Maybe Kurt knew about it. But it's the image on SP-32. The only thing we've ever--we do portable display ads, but these are strictly like Ralph Lauren is having their sidewalk sale. We have these in the center and they go up. That is something that's not a third party vendor coming in and some company wants to throw an ad up there. It's to promote something within the center. I heard Jean saying something about they were looking at maybe the community having access to those as well. I don't know if that's in the document. It is?

Jean Werbie:

It was in the previous document and it's still in.

Mike McTernan:

Which page?

Jean Werbie:

Page 13, (g)(ix).

Mike McTernan:

Okay. Again, I think the only thing that Prime wants to make certain if we're doing those everybody is on the same page on how it works. Because like anyone, having the portable display ad the Village doesn't want us having something up that doesn't have application, and we don't want something up that doesn't have application, it falls stale. Funding gets cut by some convention bureau and they have a display ad that's up and it's expensive to put up and it's expensive to take down and how do we deal with those issues. Those are all covered when Prime does their business within a separate contract with separate vendors. There isn't an issue that we're looking to get paid for it, it's just an issue that we need to be comfortable and everyone is on the same page that we know what the terms are of that deal if we're going to do something like that.

Those are the only two issues out of all this tremendous work that everyone did that we're just working with. That's it. I just look to have us finish up those two issues with staff which I'm certain we will one way or another. We'll come up with a workable framework that it will work. But otherwise we appreciate your support. We appreciate all the efforts of staff. It's no small feat to get here again. This is a tremendously huge project and everyone's goal is the same.

Make it work, make it beautiful and make it successful. I think we've done a good job and we're continuing to work together as we always do. I thank Jean again and Tom. Tom is not here but I talk to him some days more than I talk to my wife on weekends. So I appreciate your help. That's the only thing I ask is that we get permission to be able to continue to work that out with staff. Thank you very much.

Tom Terwall:

Thank you. This is a public hearing. Is there anybody else wishing to speak? Anybody else wishing to speak? Anybody else wishing to speak? Hearing none, I'm going to open it up to comments.

Mike Pollocoff:

From the staff's perspective as it relates to the signage part of the planned development ordinance and our ability to write a specific ordinance for one use that's going to exceed the limitations that are put on everybody else within a zoning district is that there's some public benefit that's derived from it over and above what anybody else would be as far as paying property taxes or fees or such things like that. We felt that one of the best things would be, one would be we felt a mutually beneficial relationship is the use of the signage not so much by the Village, because we have a few events every year that we promote, but we're not budgeted for that and we're not really staffed for that. But we rely on our intergovernmental agreement with the City and other municipalities through the Convention and Visitors Bureau to be our marketing agency. They're the group that markets Prime to people outside the community, and they have a pretty good budget. We wish we had a budget like that to do marketing. And they have the experience and the staff and the personnel that are able to get that type of material up.

I know that the Bureau makes every effort whether it's the website, publications, newspaper ads, whatever we do, and I'm on the Bureau Board, people really don't know what the Bureau does because everything we do is out of town or it's meant to get people here to do various things. Having Prime here bringing people into the community from outside the area, whether they're coming from the south or the north or the west, it's another opportunity for different things that are available in the area to be able to describe and promote it. The Bureau does at a minimum four different calendars a year and sometimes we do six if there's a lot of things going on. That's what we'd be looking to do.

I think from the stand point of three or five, staff believes it should be five only because if you leave something out those are going to be sites that aren't going to be--there's going to be two opportunities given the vast size of the Prime site that opportunity wouldn't exist. With the portables Prime is proposing 60 and we requesting that only ten of those be provided for public use. In order to assist the staff in negotiating this, I think there are very valid points brought up by Attorney McTernan are the performance standards that Prime should be concerned about, whether or not the KCB delivers a quality product, if it's timely, if it's maintained well, if it meets some of the requirements that are set forth, then that would be the subject of negotiation over the next couple of days.

I really believe professionally that the Village has provided the planned development zoning and scaled back all the other requirements that the benefit of the five signs around the vending machines and ten of the portables is a very acceptable offset given the variances of the zoning ordinances that are given. The zoning ordinance is far more restrictive on signage than what Jean

described to you in the overview, and I think you guys recognize that just based on all the other requests for signage that are received by the Village. So the staff has worked diligently to provide as much signage to a company that really depends on good advertising and directions for people once they arrive at the site. But I think for the public benefit to be derived from the variances that were given that's why we're looking for the five sites that are fixed and the ten portables.

And I agree and I have no problems with the Village and the President of the Bureau sitting down and negotiating out what the performance standards are from Prime to maintain a quality product out there as far as signage. I wouldn't want our name to be on a product because some of our events are going to be on what we put out there to be on anything that was less than what Prime would do themselves. But we haven't had time to whittle down to that point what the expectations are. I've met with Mary Galligan-Smith and she's more than willing to come to the table and do whatever has got to be done as long as it's reasonable and that's really what the essence of the negotiation should be. But the staff is looking for a fixed number so that if we have to start bargaining on that first it's not going to be in anybody's interest. I think it really runs to the policy question of what justifies giving a planned development ordinance and waiving the ordinance for the public good.

Mike Serpe:

Mike, do we have any approximation on how many people visit Prime as a result of the Visitors–

Mike Pollocoff:

Mary might have some good numbers, but I can tell you that the activity that we market most it's the highest single demand site that's requested when people come and want to find out what to do in the Kenosha area. Prime is the first thing that they head to and we get most of our comments back when we do our survey every year based on the performance of Prime. Good and bad. Before Prime took ownership of the site we heard loud and clear that the site wasn't being maintained and it was problematical. Fortunately they acquired it and started bring it back up to speed.

There's two sites and they're close and it's Prime and Jelly Belly. And Mary Galligan will promote anything to get somebody here and then get them around once they're here. That's really the trick no matter what you're marketing. But Prime is our number one draw followed by Jelly Belly.

Tom Terwall:

Jean, with the level of detail that's shown, number one, I like this a lot and I want to commend both staff and developer's representatives for the work that's gone into this. Speaking for myself only and not the rest of the Plan Commission, I have full confidence in the ability of the staff to complete the negotiation without a lot of input from the Planning Commission. What I am wondering is with the level of detail that's here, if a tenant changes and a new tenant comes in, will it be a requirement under this plan for that new signage to come before the Plan Commission as long as they meet the criteria that's in here? That's all that's required?

Jean Werbie:

That's correct. No signage would then come before the Plan Commission. In fact, there is a provision in the PUD that if there is some minor tweaking or modification or something that, and I don't know how it's possible, but something that hasn't been thought of, it gives the Zoning Administrator the authority to work that out with the developer and make that accommodation or modification.

Tom Terwall:

Because I agree with the attorney. Nothing turns me off, and I see it on TV all the time, advertising for events that are already past. Hurry in, the sale ends July 15th. Nothing turns a person off more than advertising that's expired already before you see it.

Mike Serpe:

I guess, Mike, right now the investors of Prime have committed themselves to Pleasant Prairie and it's obvious. It's a beautiful setting. In the event the investors decide to sell off to another investment group, are we protected as far as maintenance of that facility to keep it to the standards it's at today? Are we okay with that if it changes hands?

Jean Werbie:

Yes.

John Braig:

My reaction to the whole thing on the signs is there's too many, and yet I can appreciate this is a large facility. It's got an awful lot of stores there and I'm in favor of all the signage that would be required to accommodate the customers or the people that are visiting the outlet center, give them direction where things are and what's available for that matter. I also recognize a certain amount of plain, simple advertising signage is required. I've got a lot of faith in the staff and I've got faith in Prime Outlets. They've done a good job here and I know it's their goal to make this a very successful venture and hopefully better than they even anticipate. With that in mind I can see where the signage might be a little more than I'd like to see but I think I can live with it. I can live with the staff working out the final details.

Jim Bandura:

I agree with Tom. I think the staff can work this little issue out. This signage package that staff has put together is just unbelievable. It's an ordinance in itself. I can't even believe this. I do have a couple of questions regarding the window signage. It's item 13 on page 28. Does that have to be addressed for neon or was it completely addressed in the overall package?

Mike Pollocoff:

What was your question about the neon?

Jim Bandura:

Is there a stipulation on the window signage? It says it's going to be illuminated, is neon allowed? I don't have a problem with it. It's not that big of a square footage on the signage, though, but I'm just questioning a need to be written in or anything.

Jean Werbie:

I know in many other sections we specifically cull out that neon as not permitted or allowed from sign to sign. We talk about repetitious signage, changeable copy and neon. I guess I'd have to defer to my staff. Is there a specific provision, Tom, with respect to window signage not being neon as well? Should that say non-illuminated for window signs?

(Inaudible)

Jean Werbie:

Because it's prohibited by ordinance otherwise unless it's expressly allowed by permit.

(Inaudible)

Jim Bandura:

Good, just one other question. The clock itself is that going to be illuminated? It is?

Jean Werbie:

And we're actually going to address that as the next item on the agenda because that has to do with the site and operational plans for the pavilion.

Wayne Koessl:

Mr. Chairman, there's been a lot of time spent on this development and it's turned into an outstanding facility. I'm not concerned about signs because they do two things. One, they're directional and two they're for marketing. I cannot see anything wrong with this plan. Unless there's other questions by Commissioners, I'd move we send a favorable recommendation to the Village Board to approve the zoning text amendment as presented.

Mike Serpe:

Second.

Tom Terwall:

ANY OTHER COMMENTS OR QUESTIONS? IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. I WOULD ASSUME, MIKE AND JEAN, THAT THE ISSUES

TO BE RESOLVED WILL BE RESOLVED BEFORE THIS GOES TO THE VILLAGE BOARD? IS THAT THE INTENT?

Jean Werbie:

That's correct. I just have to say one thing. My staff assistant and Village Assistant Planner Tom Shircel spent literally hundreds of hours on reviewing these documents with the attorney and the staff from Prime going through the exhibits, going through the PUD, putting together the PowerPoint, so I have to thank him specifically because this took a lot of diligence and detail to go through this time and time again over the last year or year and a half. So I just wanted to specifically cull out that that was a tremendous work effort.

Mike Serpe:

Whoever takes the responsibility for how that thing turned out at the end, I took a ride through there for the first time last Friday night about 8:30 and I was impressed. I felt like I was in a totally different part of the country. You guys did a nice job. Tom, you get the credit from the Village's side. A great piece of work.

Tom Terwall:

THERE'S A MOTION BY WAYNE KOESSL AND A SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD 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. Appreciation, Tom, to you from the Plan Commission.

7. NEW BUSINESS

- A. Consider the request of Kurt Meeske of Prime Outlets at Pleasant Prairie, LLC, owner, for Final Site and Operational Plan approval for the Pavilion at Prime Outlets in Phase V located at 11601 108th Street.**

Jean Werbie:

The petitioner is requesting the final site and operational plan for the pavilion building at the Prime Outlets Phase V. Just to put things in perspective, again, the pavilion Phase V is located along the interstate just east of I-94 and south of 165. The star denotes where it's located right in the center of the activity over there.

Previous approvals as it relates to this particular project are outlined in detail in the staff comments. As you can see from Items a. through q. with request to all the different levels of approval. The Village's goal was to work as aggressively with Prime as possible in order to continue to move this project along, get it open during prime shopping season in the summer, and then to hit before the holiday season. Again, the goal was to get everything done. The last piece of this puzzle really is the pavilion building which they are targeting to have open before December. This is the pavilion building. Also, you can refer to the information in your packets.

The pavilion building is located within the center of the development. It's in the center of the circle area and in the center of where the cut throughs are going to be located. There is an existing Verizon substation that is located just to the north. They are intending to create a plaza type development in front of the pavilion and incorporation that existing building and landscaping all into this whole center court development for the entire center. So there is an existing building. If you've been out there that will be all incorporated as part of this project.

As you can see, this is the general layout where Phase V has just been completed and a number of the tenants have already built out at that location. The pavilion building will be completed before the end of the year, and they also have a future proposed Phase VI which is actually over attached to Phases I and II on the south end of the site.

Master conceptual plan for Prime Outlet Phase V for the pavilion plaza had been approved by the Village Plan Commission and a number of the details were presented to you at that time. At this point we're just looking for the final site and operational plan for that building. This is the architects rendering of what the final product of what the building is going to be looking at. We have that stone tower element in the center of the building. There are going to be signage opportunities on the four faces of the tower, as well as there's going to be some sign opportunities where the red banding is located for some food tenant signs at those particular locations as well as either end.

This has been modified slightly since the last time you have seen it. The architect is here this evening and he is going to be making a brief presentation and going to be able to show some color samples and things like that to you. This slide presents the artist's view of the different locations, the front and the east and west sides of the buildings and the perspectives that you'd be seeing. This is the same thing but just starting to add some color to the pavilion. There's a mixture of different materials and textures on the building and the architect I'm sure will talk about those with you.

This is the back of the building. The staff was a little bit more flexible with respect to the materials on the back as it will be the rear of the circle area. It's going to butt up to another phase, and so we were a little bit more flexible with respect to the type of materials on the back of the building. The way the building is designed all the HVAC and other type of elements that would be typically on the roof of a building will be hidden in the back in the roof element areas of this. This is just another perspective.

This is looking southwest to the building. Looking northwest you can see there's actually a cut out area for the mechanicals, and there's the concrete block wall in the back that encloses the garbage and other areas. Here's the floor plan. It's a little bit difficult tell but, again, the architect can talk about some of those details. This is just an illustration of the plaza. It shows where the pavilion building would be located, as well as the perspective of the existing substation

and where that's located. They intend to actually create some opportunities for the Coke machine display signage areas as well as a great deal of landscaping on the site in order to kind of shield that particular building a little bit.

Again, just some of the details. It's a single story 13,000 square foot pavilion building located in the center of prime. It will have lounge areas, food tenants, restrooms, and information center, merchant kiosks and related services. The pavilion will have approximately 42 feet in height from grade to roof ridge, and the pavilion tower will have a maximum height of 75 feet. Right now 70 feet is proposed. The pavilion will also include a plaza area and will be landscaped and provide opportunities for the walkways, outdoor customer dining areas and just kind of a general gathering location for the entire center which really has not yet been created for those that shop out there.

Again, through the cut throughs that are going to be completed over the next few months this will create that opportunity for this pavilion to be seen and to be accessed from all over with respect to the site. With that, I'd like to introduce the architect for the project, and he can present a little bit more of the details as well as the color board that they have presented. This is not a matter for public hearing, but I think it would be good for the architect to make a presentation.

Mark Molinaro:

Thank you. Mark Molinaro, Partners in Design Architects, 600 52nd Street, Suite 220, Kenosha. Jean if you could maybe go to the color elevation that we had up there. The one with the 3-D would be better if we can. I'll be very brief for two reasons. One, because I think we've spent a great deal of time on this with staff. Certainly, I would thank Tom and Jean as well for the time that we've put into it. We did go back and forth a little bit because I think we all had the same goal in mind which is to put together a fine building, a good looking building and one that would sit well in that location. The second reason I'll be brief is because I'm going to get to my kid's baseball game.

I'm not going to show you anything tonight that you haven't seen in some form or fashion previously. But a couple of things that have changed since the last time we were here is we have added a sign area which is EFIS. We've added a sign band through here which you'll see on this color board as well which is going to be an area where we can locate some signage for the food vendors that will be in the pavilion. And we have eliminated a canopy that last time we were here you saw on the end of the building. So other than that, I think generally what you're looking at is what you've seen before.

All of the materials we were using on this building with the exception of the cement board siding or hardy board, whatever terminology you use, the cedar siding that you'll see, the horizontal siding you see here as well as here, and then the cedar shake material that you'll see above on the gable ends, all of the other materials have been used in some form or fashion in the center in the plaza. The stone that we're proposing in the tower and the piers on the building is stone that's used elsewhere on the site on Phase V. The burnished concrete block below the windows, again, is a block that you've seen elsewhere on the site. The finishes on your right, my left is the materials that we are proposing and that staff has taken a look at and we all seem to agree.

What you're seeing over here on your left these colors are colors of the two options that we had proposed. The split face block that you see here is a block that's used elsewhere on the site. So the new material really is the cedar. We've got some metal accent that you'll find located on the

canopy over the door as well as over the two dormers here. The remainder of the roofs are asphalt shingle. The only thing that changes there from the site is the color in this particular building and the clock. We're showing you a proposed light fixture on here in the clock as well. The clock is internally illuminated. At this point in time we're proposing a Roman numeral face to the clock and it will certainly be visible. For those of you who are familiar with the clock that was on the Greenwich building or what was formerly known as Ventura Jewelers a very similar clock in terms of its glow and its visibility as that one is.

Jean Werbie:

Maybe if you want to take the microphone and the sample board you could bring it up. Somebody had a question about the clock face and other things.

Tom Terwall:

Mark, can you give us a feel for what's the diameter of that clock face?

Mark Molinaro:

I should know that off the top of my head and I don't. Let me take a look at my drawings and see if I can define that for you. I believe it's about five feet at a minimum. If I'm not mistaken what we have on Ventura is a six foot diameter but that's taxing my memory a little bit because that goes back a few years.

Mike Serpe:

Mark, you said cedar but that cedar is actually cement board, is that correct?

Mark Molinaro:

Correct.

Jean Werbie:

It's got the grooves.

Mark Molinaro:

It will be a cedar texture on it. It is not a smooth texture.

John Braig:

I assume the actual clock faces will all indicate the same time rather than what we see here?

Mark Molinaro:

There's still some debate on that, John, because it's really a cost issue. We can get them cheaper if they're all different times. I just design them. The clocks now they're all sent up on GPS units

and it changes automatically. And it is a six foot diameter clock the way we have it depicted in that rendering or on our drawings here.

Tom Terwall:

Thank you. Any further?

Mark Molinaro:

Not from me unless you've got questions.

John Braig:

The south elevation seems to indicate a flat deck on the second level.

Mark Molinaro:

Yes.

John Braig:

With a little railing in front of it. Will the public have access to that?

Mark Molinaro:

No, the public will not have access to it. In fact, to this eve height I believe in the back we're 14 feet above grade and it drops off pretty steeply back there so it would be difficult to get to it. The reason you see this cutout is that's where all the mechanical hoods will be, the exhaust for the food purveyors will all be located in that space.

John Braig:

Very good. Thank you.

Mark Molinaro:

And it also provides, in case there's a question, the access through here into the tower to service the lights and clock if it's necessary.

John Braig:

Thank you.

Tom Terwall:

When are you going to be serving food out there, Mark?

Mark Molinaro:

I'm going to keep my day job so I won't be. Maybe Kurt knows. November 24th.

Wayne Koessl:

Mark, one question. Are you aware of the 43 conditions that have been placed on this?

Mark Molinaro:

Yes. I couldn't recite them but I'm aware.

Jean Werbie:

I also wanted to add as one of the conditions, I understand there was a meeting this afternoon with the Fire Chief and Kurt Meeske of Prime with respect to going over some final issues with the existing phases that were there and Phase V and everything that was done. I just wanted to make sure that that approval of all those comments and conditions as discussion that were made today with the Fire Chief those would be conditions of approval as well.

Mike Serpe:

I move approval of the site and operational plan.

Judy Juliana:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JUDY JULIANA TO APPROVE THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM, INCLUDING THE ISSUES AGREED TO TODAY WITH THE FIRE CHIEF. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Mark Molinaro:

Jean, what do you need on this color board? The board itself?

Jean Werbie:

The board so that I can present it at the Board meeting.

Mark Molinaro:

I'll leave it with you right now.

Jean Werbie:

We won't have it until the 7th. The meeting is not until August 7th.

Mark Molinaro:

Then I want to hang onto it. I'm creating another one and I want to make sure we match it. Then I'll probably just bring you these finishes without the second option on it.

Jean Werbie:

Good idea.

Mark Molinaro:

Again, to Plan Commission thank you, and thank you to staff, Tom and Jean, for all your help.

B. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY PLAT for the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC, owner of the property generally located north of 93rd Street east of Old Green Bay Road in the Village of Pleasant Prairie for approval of a Preliminary Plat for Creekside Crossing Subdivision.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, the petitioner is requesting approval of the preliminary plat for the Creekside Crossing Addition #1 development subdivision. Creekside Crossing development is generally located north of 93rd Street at 63rd Avenue. The Village has been working with the developer Regency Hills-Creekside Crossing for approximately three years and with a number of other developers on this property since 1994. To date the Village has approved the following plans related to the current development.

As you can see this goes on for two and a half pages. Again, this is another project due to its size involved a number of planning steps in order to get the community, the Plan Commission, the Board involved in the process from the very beginning all the way up to now, as you know, with the previous developer between '94 and about 2002. And when MasterCraft took over the project, we have been working diligently step by step to get through each of the various approvals in the Village of Pleasant Prairie. We did that all the way through December 5, 2005.

The reason why we're here this evening on this preliminary plat again is that preliminary plats in the State of Wisconsin are valid for two years. And in Pleasant Prairie we're pretty strict when it comes to that approval time frame. So if during that time frame you have not submitted the final plat for the particular phase that was covered by that preliminary plat document, then you need to come back for another preliminary plat approval. It somewhat surprised the developer as we had been working so diligently over the last couple of years with them, but our procedures and processes did require them to come back. So that's why you're seeing this again so that we can get that preliminary plat approved for two more years so that we can get the final Stage 2

approval for the single family and then the additional stages approved for the condominium development.

Just as an overview again, approximately the third or fourth page of your staff comments, the Creekside Crossing Development, the single family development, is being constructed in two phases. Stage 1 is 15 single family lots. Stage 2 is 9 single family lots. The above final plat for Stage 1 was approved by the Board in August of 2005. The condominium portion of this development is being proposed in three stages. Stage 1 is 116 condominium units; Stage 2 is 85 condominium units; and Stage 3 is 88 condominium units. As noted, the final condominium plat for Stage 1 condos was approved by the Board in November of 2005.

For population projections the entire development upon its full build out will have 312 dwelling units with approximately 850 two persons. This information has been provided to the Kenosha Unified School District, and based on their projections approximately 131 public school age children would result from this development at full build out.

Under open space, approximately 28 acres or 23 percent of the entire site is proposed to remain in open space, and that open space within the development includes a couple of different elements, parkland as indicated in the neighborhood plan. An open space corridor will be extended from 93rd Street north along the Jerome Creek that traverses the Creekside development and connects two park areas. The park areas total about four acres excluding the floodplain. And these areas are proposed to be dedicated to the Village with the Creekside Crossing development.

In addition, a 15 foot easement is being dedicated along the west side of Jerome Creek, and a 10 foot wide pedestrian path is being constructed within the easement that connects the park areas. The trees along the creek that are existing today are going to be preserved to the extent allowed by the Wisconsin DNR. A total of 1.69 acres have been dedicated to date to the Village for park purposes, as well as a portion of the pedestrian path has been dedicated.

The next element within the open space includes wetlands. A total of 4.58 acres of wetlands located within several outlots are going to be preserved, and this is based on some wetland staking that had been done by the Army Corps of Engineers and reviewed and approved by the Wisconsin DNR as noted.

In addition, there's some significantly large areas that are identified as floodplain and shoreland. These areas have been identified by the Wisconsin DNR and are proposed to be preserved and protected, 18 acres of floodplain and open space-related lands that are going to be preserved. Finally, a total of 1.89 acres of other non-wetland, non-floodplain areas will remain in open space.

Under retention areas, several retention facilities to handle storm water management requirements have been provided. Some of them already have been constructed. The developer's engineer has evaluated the development site as well as the entire drainage basin tributary to the development as part of this development engineering plan approval. The retention facilities located throughout the development are proposed to be used for storm water management purposes and to be maintained by the condominium and homeowners associations.

Just as a side note, something that we have indicated to them that has come up in other developments, none of the storm water management facilities, retention basins, are intended to be used for public or private recreational purposes. No boating, fishing or any other type of activity

such as that. In fact, that was something I wanted to mention. With all new developments all of them will have some type of provision so that's clearly stated in their declarations so there's no questions in the future from the general public or residents of that particular development.

With respect to site access, two access points into 93rd Street, and with this phase with the final plat that we're going to be talking about, the connection to Old Green Bay Road is going to be made on 91st Street connecting the circle road to Old Green Bay Road as a third access point.

The preliminary plat for Creekside Crossing Addition #1. At this time, the developer is again requesting preliminary plat approval as I indicated. All the details that I had mentioned previously apply to this preliminary plat. We did make some clarifications so that there's no doubt where the public roads are versus the private roads. In the staff memorandum it specifically says where the public roads are, Creekside Circle, 62nd Avenue, 65th Avenue, 90th Street east of Creekside Circle, 89th Street and 91st Street within the plat boundaries, and 91st Street extending to Old Green Bay Road. The private roadways will be the cul-de-sac elements within the condominium area and those include 90th Place west of Creekside Circle, 90th Street west of Creekside Circle, 89th Place east of 65th Avenue, and 91st Place east of Creekside Circle.

It's important to note that sanitary sewer, water and storm sewer that is located within the private roadways will be public and be maintained by the Village. As I just indicated, 91st Street is going to be extended from Creekside Circle to Old Green Bay Road. A separate document, a certified survey map, is being presented for the dedication of 91st Street. The developer will be required to install all the required public improvements within 91st Street. And, in fact, the developer is dedicating the entire, which was parcel, but now right of way to the Village of Pleasant Prairie. So the right of way at that location will actually be 92 feet wide as opposed to 66 foot wide. The roadway will be constructed at the same time as all the public improvements for that next phase for the Creekside Crossing Addition #1 Subdivision.

The landscaping plans for the plat shall also include street trees along 91st that need to be installed. The developer is requesting the Village Board to consider a right of recovery for the public improvements including the street trees that are being proposed to be installed in 91st Street. Again, the developer will have no property immediately adjacent to 91st Street and Old Green Bay Road. There is existing vacant land that is owned by private property owners in the Village of Pleasant Prairie, one of which has been contacting me on a regular basis to find out what the status of this development is. So the developer is requesting and the staff is proposing that a special assessment hearing be scheduled in order to identify what the deferred special assessments would be for any property owners that would benefit from the improvements being placed in 91st. So whether that be roadway, curb and gutter, storm sewer, sanitary sewer, public water, street trees, any public required element that is placed within that right of way. They're asking for a recoverable amount to be repaid.

Tom Terwall:

And that would be deferred until developed?

Jean Werbie:

Correct. Either the property owners adjacent develop their property by obtaining a building permit, they connect to those services or they subdivide their land. So there's a number of triggering mechanisms that we will bring forth as part of the right of recovery document so that if

they benefit and they utilize that improvement they should be compensating the Village who, in turn, would repay the developer for what funds are recovered.

With respect to the fiscal review, in speaking with the developer today they have indicated that they are willing and are offering to enter into a cost sharing agreement in order to compensate the Village for any lost fees as a result of the modification of the impact fee regulations for the State of Wisconsin. So they have indicated that to me and actually that particular wording was also already placed into the development agreement. But they understand the cost to do business with the Village of Pleasant Prairie. We have a very low tax rate and frozen limits, and so they feel that it was something that they had budgeted for. They have every intention of compensating the Village for impact fees that would have been lost as a result of the State law changes.

With that, the staff does support this particular project, however this is a matter for public hearing, and I know that the developer does have a representative here if they'd like to make any comments or she would like to.

Tom Terwall:

Do you want to add anything? Give us your name and address.

Kari Kittermaster:

I'm Kari Kittermaster with Regency Hills Development, 5008 Green Bay Road Kenosha. I thank Jean and staff for the great job of explaining why we're here today before the Village Plan Commission for the consideration of the preliminary plat. I don't have anything further to add but I'll be happy to answer any questions that staff has.

Tom Terwall:

This is a matter for public hearing. Is anybody wishing to comment? Anybody wishing to comment? Anybody wishing to comment?

Mike Serpe:

Jean, on the estimated population for schools you have 131. There has to be a better formula when calculating condominium projects than what's being used. Every condo project we have, and it's relatively new to Pleasant Prairie since Stanich. This causes for controversy because there's no way 131 kids are going to come out of this project. Usually a couple that has kids are going to look for a home that has a yard for the kids to play in and not a condo project. This is the same formula that's used for a single family home. I don't think there's any condo project that I know of in Pleasant Prairie or anywhere surrounding that would provide or product this many kids per unit.

Jean Werbie:

And I agree with that. What we do is sit down on a site-by-site basis with them to evaluate. This is just a generalized number that they're putting together so that they can do their long-range planning. We actually look at project-by-project and work with them to do projections. Because .42 is also a lot less than what you'd expect from a single family home. So, again, that's an

average number percentage that they give to us so we can put together some long-range projections for the Village as a whole. But then they go back and look at project per project.

For example, Village Green Heights will generate more than .42 per household and this one will do less. So when we get down to site by site they look at exactly and they do another projection and calculation and they're literally doing it every three to six months based on the timing of when those subdivisions and condo developments final plat.

Mike Serpe:

I understand. But just to satisfy my own curiosity, Tom you live in Prairie Village. Approximately how many kids?

Tom Terwall:

I think there's 88 units and four kids.

Jean Werbie:

Right. But I also believe in my heart that there's probably more than .42 kids per house in a new single family housing development to balance.

John Braig:

On the overall detail sheets under general notes wherever practical existing trees will be saved within the construction area of a project. I take exception to that. It's ideal I'd love it, but under whose decision or discretion is that determination made wherever practical? I see it as being too open. I would like that in the future we could have something a little more specific. As you recall we did have a misunderstanding on trees on this project in the past and I'm looking for more concrete language or definition so that we don't have a disagreement or controversy in the future.

Mike Pollocoff:

Mr. Braig, I think we could give that to you at the final plat. As the final engineering is done we'll exactly know what the grades are going to be and then we'll be able to at that point go from whatever is practical to basically what that survey shows in the field and what the changes in grades are going to be. If a tree is in the future road right of way we can tell you today that that will be gone. But I think the more tree clearing that troubles people most are the trees that are off away from the street where they think they're going to not get cut, but then when there's site grading done and they get the lots ready at the elevations for the grading and drainage plan that's when you lose trees or if the grading plan doesn't address it. We're looking at that. I know the engineer is looking at that as part of the final engineer. It's one of the problems in the conceptual and the preliminary phase is the engineering isn't done to really tell us what the effects of grading is going to be. So outside of the tree being in the right of way that's going to all be cleared. The rest of them are subject to the final engineering for the drainage and grading. So when you see that plat that will tell you specifically what trees, if any, would have to be removed.

John Braig:

Good, thank you.

Tom Terwall:

Anything further? Jean, you have a comment?

Jean Werbie:

I just wanted to mention two things in talking with the developer late this afternoon, one of which is within this particular as we're going into this next phasing area there are not going to be any off site temporary grading easements that are required, so those references are going to come out of the development agreements and the plat. And then there's a typo in one of the legal descriptions which we will correct.

John Braig:

Move approval.

Judy Juliana:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE PRELIMINARY PLAT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

C. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS for the request of John Hickey of Richard Connor Riley & Associates, agent representing Cingular Wireless and the State of Wisconsin Department of Transportation (WIDOT), owner, to replace six (6) existing antennas with four (4) new antennas on the existing 230 foot lattice-type Commercial Communications Structure (cellular tower). The cellular facility is located at the WIDOT Weigh Station facility located at the southeast corner of CTH "ML" and I-94.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a request by John Hickey of Richard Connor Riley & Associates, agent representing Cingular Wireless and the State of Wisconsin Department of Transportation. They were requesting to replace six existing antennas with four new antennas on an existing 230 foot lattice-type commercial communications structure. The cellular facility is located at WIDOT Weight Station facility located at the southeast corner of Highway ML and I-94.

The Village staff recommends that the application and review for this Conditional Use Permit including Site and Operational Plans be tabled until the August 14, 2006 Plan Commission meeting. The originally submitted Site Plans for the project were inaccurate and had corrections that needed to be made, and the corrected documents did not come to the staff in a timely manner. In a conversation with Ms. St. Charles, she agreed that tabling of the matter would be in order.

Tom Terwall:

Motion to table?

Wayne Koessler:

Mr. Chairman, I'd move that Item C be tabled until August 14th.

John Braig:

Second.

Tom Terwall:

MOVED BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG TO TABLE THIS ITEM UNTIL THE AUGUST 14TH MEETING. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

D. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS on behalf of Ken Matelski, owner of Pepper Kings, a restaurant tenant in the Prairie Ridge Market Place, to allow outdoor seating along the walkway in front of Pepper Kings tenant space, located at 9020 76th Street, Suite "B", in the Prairie Ridge Development.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, as part of the public 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. Ken Matelski, Pepper Kings proprietor, has applied for a Conditional Use Permit including Site and Operation Plans, to allow outdoor seating along the covered sidewalk area in front, which is the south side of the Pepper Kings tenant space, located in the Prairie Ridge Marketplace, 9020 76th Street, Suite B, in the Prairie Ridge Development. This is identified as Tax Parcel Number 91-4-122-081-0110. See Exhibit 1, the application; Exhibits 2 & 3, Location Maps; and Exhibit 4, Photos.
2. In December 2005, the Village issued a zoning and building permits for Pepper Kings, which processes pepper based products for wholesale and retail sales, including sales and consumption on-site of food products within the tenant space.
3. The property is zoned B-2 (PUD), Community Business District with a Planned Unit Development Overlay. The Prairie Ridge PUD, adopted May 15, 2000 by the Village Board, pertains mainly to signage within Prairie Ridge. Pursuant to Section 420-119 D. (2) (u) of the Village Zoning Ordinance, restaurants with outdoor seating are allowed in the B-2 District with the approval of a Conditional Use Permit.
4. The existing 2,087 square foot Pepper Kings restaurant tenant space with 40 feet of tenant storefront, is proposed to include approximately 200, 20' x 10' square feet, of outdoor seating area, located on the sidewalk area on the south side main entrance of the tenant space.
5. Specifically, the outdoor seating will consist of a maximum of 6 tables, seating a maximum of 18 persons.
6. The applicant will bring the tables and chairs indoors at the end of each business day. The tables and chairs will not be left outside overnight.
7. The positioning of the outdoor dining tables and chairs shall not block pedestrian traffic using the covered sidewalk and shall not force pedestrian traffic to walk into the parking lot.
8. The outdoor seating will be in place as long as the Southeast Wisconsin weather permits.
9. If desired, the applicant shall contact the Village Clerk for information pertaining to a liquor license for Pepper Kings.
10. The hours of operation when the public is allowed to enter or remain on site for business purposes in the B-2 District are limited to 5:00 a.m. to midnight. The outdoor seating shall comply with these hours of operation parameters. If the Village Board should ever grant a liquor license to Pepper Kings, the hours of operation could legally be extended.

11. Prairie Ridge Neighborhood Retail, LLC, which is VK Development Corp., the property owner, has given written conditional approval of the outdoor seating and that's provided to you as Exhibit 5.
12. Given the location of the restaurant, in a multi-tenant commercial building within a commercial area, and surrounded by public roads on three sides, one of which is Highway 50, a heavily traveled State Trunk Highway, the Village staff does not foresee any adverse affects of the outdoor seating, such as noise, to neighboring properties or tenants.
13. Notices pertaining to the outdoor seating Conditional Use public hearing were sent to adjacent property owners via regular mail on July 10, 2006 and notices were published in the *Kenosha News* on July 10, 2006 and July 17, 2006. See Exhibit 6.
14. The petitioner was emailed/faxed a copy of this memo on July 21, 2006.
15. According to Chapter 420, 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 Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other applicable Federal, State or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, noise, storm water management, streets and highways and fire protection.

With that, this is a matter for public hearing.

Tom Terwall:

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

Andrea Rode:

I would like to say that I've been out to Pepper Kings, and the owner out there is really, really working hard. He's had some issues with health and other types of things. The food is good. We try to go out there and patronize him as often as possible. I think unfortunately the building if it was facing Highway 50 there would be probably more traffic being able to see the business. But in the meanwhile he's really struggling since they opened and I'd sure like to see him be able to have the outdoor seating because I think that would really, really help his business.

Mike Serpe:

Jean, do you know if he's going to come forward with the request for a liquor license?

Jean Werbie:

It is my understanding that he is going to be making a request, yes.

Tom Terwall:

Can't eat too much pepper without a beer.

John Braig:

I'd like to place emphasis on number 12 of the findings of fact. I agree, I think this might be a good application, but I also recognize that there are situations possibly on the north side of Highway 50 where the commercial areas are smaller and there's residential development quite close. In a situation like that we would look very closely at it and maybe not approve outdoor seating. So I don't want this to be a precedent in any way other than this seems to fit the proper application.

Mike Serpe:

I'm not going to comment on that, John, but the rooftops that are planned for this are going to increase in the next couple years and I think, again, that's going to help this project along. I move approval.

Jim Bandura:

Second.

Tom Terwall:

Do you have anything to add, Jean?

Jean Werbie:

I would just like to add that the Village staff has determined that based upon the foregoing information presented in the application and related materials provided and the public hearing this evening, that the request to allow outdoor seating at the Pepper Kings tenant space located at 9020 76th Street, Suite B, in the Prairie Ridge Development meets the following standards for granting a Conditional Use Permit as set forth in the staff memorandum. And based on that foregoing information we recommend approval subject to the comments and conditions further that are listed in the staff memorandum.

Tom Terwall:

WE HAVE A MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATION PLANS 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.

E. Consider Plan Commission Resolution #06-15 to initiate a zoning text amendment related to outdoor seating for restaurants in the B-2, Community Business District.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this particular request for resolution relates to the last item that was on the agenda. There is a great deal of staff time and time spent by the petitioner to allow for outdoor seating in a particular commercial development that is intended to be a community business district and allow for outdoor seating and indoor seating. And the staff is recommending that we take a look at again the outdoor seating provisions within the B-1 through B-5 Districts and set forth certain criteria with respect to maybe distances or times allowed or something that would relate specifically to particular sites for outdoor seating. We feel that in the B-2 Districts and B-3 and B-4 in particular in the Village and where they are located within the Village, none of them are within a very close proximity to existing residential development nor will they be.

So as a result, to require a developer to go through a complete conditional use public hearing process right after we've done a planned unit development for them just seems a little redundant and time consuming not only for the developer but the tenant owner as well as the staff and the Plan Commission. So we would like to work up some different language in the ordinance to make it more of a permitted use without it having to go through a specific conditional use public hearing, and we will bring that forth back to you at a subsequent date.

Again, the Plan Commission hereby initiates and petitions through this resolution to amend the general zoning ordinance as it relates to the zoning districts, and this resolution is not making any determination on the merits of the proposed change of the text, but is only initiating the process by which the proposed changes in the zoning text can be promptly evaluated.

Tom Terwall:

Can you differentiate between a business that sells alcohol and one that doesn't?

Jean Werbie:

I'm sorry, can you repeat that?

Tom Terwall:

Can you differentiate in this ordinance for those that serve alcoholic beverage versus those that don't?

Jean Werbie:

That would be a step that would be taken through the Village Board's action in the approval of a liquor license. Again, the zoning ordinance specifically does not state who can get a liquor license and who can't, but the Village Board has that criteria set forth in the general code.

Tom Terwall:

And I'm not so hung up on who gets one. I guess what I'm concerned about is I think in some locations it may be okay to serve alcohol outdoors and in other locations I guess I have a problem with it. It's difficult to police.

Jean Werbie:

I would agree. In fact, those are some of the questions that were raised this past week with the Village Clerk. But those will be decisions that the Village Board does need to make with respect to whether or not there's an outdoor extension for that liquor license or if it's just within premises, but those are the decisions that will need to be made on a case-by-case basis by the Village Board. You could allow it as a Plan Commission and Board outdoor eating but maybe not alcohol to be served outside.

Tom Terwall:

Motion to adopt Resolution 06-15 is in order.

John Braig:

So moved.

Wayne Koessl:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND A SECOND BY WAYNE KOESSL TO ADOPT RESOLUTION 06-15. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

8. ADJOURN.

John Braig:

So moved.

Mike Serpe:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.