

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
August 28, 2006**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on August 28, 2006. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. Wayne Koessl and Andrea Rode were excused.. Also in attendance were 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.

Tom Terwall:

For the record show that the Village President and Trustee Kumorkiewicz are also in attendance.

3. CONSIDER THE MINUTES OF THE AUGUST 7, 2006 PLAN COMMISSION MEETING.

Judy Juliana:

We need a correction on page 6 of the minutes please. I wasn't here that night and I did not second that motion. It must be Andrea Rode.

Tom Terwall:

We need a motion to approve as corrected.

John Braig:

So moved.

Mike Serpe:

Second.

Tom Terwall:

**MOTION AND TO APPROVE BY JOHN BRAIG AND MIKE SERPE AS CORRECTED.
ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

4. CORRESPONDENCE.

Jean Werbie:

I just wanted to make the Plan Commissioners aware of two meetings that are occurring on Tuesday evening, one of which you received notification of, and that is that there's meetings being held by the Wisconsin Department of Transportation at the First Assembly of God Church from four to seven regarding the State Trunk Highway 50 functional and access plan from I-94 east to 43rd Avenue and it's an open house type public forum for comment. Then the second meeting the staff is attending a Smart Growth kickoff meeting held at the County Center and that meeting is also from four to seven at the County Center regarding the Smart Growth planning that we're going to be doing over the next three years. I would encourage the Plan Commission if they'd like to attend either meeting they would be able to do that.

Tom Terwall:

Thank you.

5. CITIZEN COMMENTS.

Tom Terwall:

If you're here tonight to speak on any of the items that appear on the agenda as a public hearing, we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as an official part of the record. However, if you're here to discuss an item that is not for a matter of public hearing or is not on the agenda, now would be your opportunity to speak. We would ask that you step to the microphone and give us your name and address. Anybody wishing to speak under citizens' comments?

6. NEW BUSINESS

Larry Zarletti:

Mr. Chairman, if I could have it on the record I'm requesting to be excused by 6:30 p.m. if the meeting were to go that long for a previous commitment.

Tom Terwall:

Thank you. You're excused at 6:30. Items A and B we'll discuss together but let's keep in mind that it requires two separate actions and two separate motions.

A. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Rich Oscarson, of JMC Investments, LLC, owner

of the property generally located at the approximate 8700 Block of Old Green Bay Road, to rezone an approximate 40 acre property pursuant to a previously approved Floodplain Boundary Adjustment and to accommodate a new single-family dwelling on the south-central portion of the property and to accommodate a new two-family (duplex) condominium building along the east side of Old Green Bay Road from R-8 (UHO), Urban Two-Family Residential District with an Urban Land Holding Overlay District; R-8, Urban Two-Family Residential District; C-1, Lowland Resource Conservancy District; and FPO, Floodplain Overlay District; to C-2, Upland Resource Conservancy District; PR-1, Park-Recreational District; C-1; and R-8; with the FPO District over portions of the property.

- B. Consider the request of Rich Oscarson, of JMC Investments, LLC, property owner, for a Certified Survey Map to subdivide Tax Parcel Number 92-4-122-152-0169 to create an approximate ½ acre lot along Old Green Bay Road.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a request of Rich Oscarson of JMC Investments, LLC, owner of the property generally located at the approximate 8700 block of Old Green Bay Road to rezone an approximate 40 acre property pursuant to a previously approved Floodplain Boundary Adjustment and to accommodate a new single-family dwelling on the south-central portion of the property and to accommodate a new two-family or duplex condominium building along the east side of Old Green Bay Road from R-8 (UHO), Urban Two-Family Residential District with an Urban Land Holding Overlay District; R-8, Urban Two-Family Residential District; C-1, Lowland Resource Conservancy District; and FPO, Floodplain Overlay District; to C-2, Upland Resource Conservancy District; PR-1, Park-Recreational District; C-1 District; and R-8; with the FPO District over portions of the property.

This is a request, again, by Rich Oscarson, of JMC Investments, LLC, for a Certified Survey Map as well to subdivide Tax Parcel Number 92-4-122-152-0169 to create an approximate ½ acre lot along Old Green Bay Road.

This rezoning request is twofold. The applicant/property owner is seeking to:

1. Rezone that portion of the proposed approximate ½ acre parcel along Old Green Bay Road, where the 100 year floodplain was removed and place it into the R-8, District and rezone that portion of the remaining 40 acre parent parcel, where the 100 year floodplain was relocated, into the PR-1 and the FPO District as a result of a Floodplain Boundary Adjustment.
2. Rezone the approximate 40 acre parent parcel partially into the; C-2 District. Again, that's an Upland Resource Conservancy District, and the PR-1 District. Any lowland Conservancy areas that are zoned C-1 or the FPO areas will remain on the property.

With respect to the 100 Year Floodplain Boundary Adjustment, on July 11, 2005, the Plan Commission recommended conditional approval to the Village Board, and on August 1, 2005, the Village Board conditionally approved Resolution #05-43 related to a 100 Year Floodplain Boundary Adjustment as delineated and shown on the Des Plaines River Watershed Floodplain Maps as prepared by the SEWRPC in Planning Report No. 44. entitled "A Comprehensive Plan

for the Des Plaines River Watershed in progress”, for a part of U.S. Public Land Survey Section 15, Township 1 North, Range 22 East, Village of Pleasant Prairie.

The project involved the approximate removal 470 cubic yards of floodplain and the creation of approximately 473 cubic yards of floodplain adjacent to the floodplain to compensate for the floodplain proposed to be filled on the property.

The purpose of the 100 Year Floodplain Boundary Adjustment was to remove the 100 year floodplain from the proposed approximate ½ acre parcel to be located along the east side of Old Green Bay Road in order to create a buildable parcel at that location and locate that floodplain onto the larger 40 acre parent parcel.

The Village has received the following approvals:

- < FEMA - Conditional LOMR-BOF dated November 22, 2005.
- < WIDNR - WPDES General Permit Storm Water Discharges Associated with Construction Activities, dated April 8, 2005.
- < FEMA – Letter of Map Revision dated July 25, 2005.

As noted in an April 4, 2005 letter from Dale Pfeiffle of the Army Corps of Engineers, this floodplain fill project is not within the regulatory jurisdiction of the Corps of Engineers so no permits from the Corps of Engineers is required for the boundary adjustment.

Upon Village’s receipt of the aforementioned FEMA and WIDNR approvals, on December 12, 2005, the Village conditionally issued an Erosion Control Permit to allow the property owner to commence the adjustment which is the cut and fill process. The floodplain boundary adjustment is now completed.

Under existing zoning, the parent property, Tax Parcel Number 92-4-122-152-0169, is an approximate 40 acre property that has multiple zoning districts. The majority of the 40 acre parcel is zoned R-8 (UHO), Urban Two Family Residential District with an Overlay. The western portion of the property, from Old Green Bay Road eastward for approximately 650 feet is zoned R-8. This R-8 zoned portion also has a wetland that is zoned C-1 and areas that are zoned FPO.

The portion of the property along Old Green Bay Road, where the ½ acre parcel is to be proposed is zoned currently R-8 (FPO).

The R-8 District requires that lots to be a minimum of 20,000 square and have a minimum lot frontage of 100 feet on a public street.

Surrounding Zoning:

- < North (north of Jerome Creek) – Zoned R-8, A-2, C-1 and FPO. There’s some duplex sites and approximately a 29 acre property owned by Luigi Ziccarelli.

- < South – Zoned R-2 (UHO) and A-2. Consisting of a single-family residence on 2.61 acres owned by Knuuti R-2 (UHO) and consisting of a single-family residence on 5.78 acres owned by Keller (A-2).
- < East – Zoned A-2, C-1 and FPO. Consisting of a single-family residence on 41.54 acres owned by Harry Crow & Son, Inc.
- < West – Zoned A-2, I-1, C-1 and FPO. Consisting of the Village-owned Roger Prange Municipal Building on 71.12 acres.

Proposed Zoning - As a result of the Floodplain Boundary Adjustment, that portion of the approximate ½ acre parcel along Old Green Bay Road was removed and it's proposed to be shifted into the R-8 District; and the approximate 40 acre parent parcel where the 100 year floodplain was relocated is proposed to be rezoned into the PR-1 and also to have a floodplain overlay on a portion of the property.

The proposed R-8 District zoning will accommodate the construction of a two-family structure, and the duplex structure would be consistent with the other duplexes along Old Green Bay Road.

The down-zoning of the larger portion of the property is to accommodate one new single-family dwelling for the applicant/property owner of the property. What he's proposing to do is to bring that property into the C-2 District, which is Upland Resource Conservancy, to preserve as many trees as possible on the site, and the PR-1 District. Again, any C-1 or FPO areas would remain on the property as zoned.

The PR-1 zoned portion of the property does not mean that these areas are public parks. So just as a clarification the PR-1 is a Park and Recreation District but it doesn't mean that it can't be for private purposes. In this case, his PR-1 will remain private property and he's requesting to preserve, protect and deter any disturbances to the natural resources on the property.

With respect to the certified survey map, according to Kenosha County Land Information Office records, a ½ acre parcel that JMC Investments wishes to create through this CSM has already been created as a result of a condominium being refiled at the Kenosha County Office. What happened was it then illegally created some additional parcels so there was a mixup at Kenosha County with respect to what parcels should have been created by that original condominium plat. So this illegal partial creation that I reference in the staff comments was not as a direct result of Mr. Oscarson doing anything on the property. There was just some confusion with respect to the condominium parcel that was recorded there by another property owner. So I just wanted to not give the Plan Commission any misdirection with respect to this parcel creation.

What the property owners did was the Meadow Creek condominium plat, which is a single condominium, was recorded for each of those duplexes and then by default another parcel was created. So we are trying to work that out and the staff comments do address that detail.

It is the intent of the property owner and the petitioner to legally create this new parcel by a certified survey map with the exact same dimensions, 100 by approximately 200 which is what is required by the R-8 District.

With respect to Lot 3, Lot 3 is vacant and is proposed to be approximately 20,000 square feet with 100 feet of frontage on Old Green Bay Road. Lot 3 meets the minimum lot size and lot

frontage requirements of the R-8 District. The intention is for this lot to be developed with another side-by-side duplex structure.

Lot 4 is undeveloped and is proposed to be 39.93 acres, approximately 40 acres, with a total of 168.59 feet of frontage on Old Green Bay Road in two separate frontage areas. It is the intent of the property owner to construct a new single-family dwelling within this C-2 District area.

With respect to some environmental entities on the property, two of the tax parcel numbers are within 300 feet of Jerome Creek, a Wisconsin DNR determined navigable waterway, and they're also within the shoreland jurisdictional area. There are no wetlands on the smaller ½ acre duplex lot. As previously noted, the majority of the 40 acre parcel does have floodplain on it and there will be no structures placed within this particular area.

With respect to sewer and water, both municipal water and sewer are available in Old Green Bay Road. When a new single-family dwelling is constructed on this property; it is the property owner's responsibility that sanitary sewer can be brought to service this particular home. What we have discovered is that gravity service is not available as far back from Old Green Bay Road where the property owner would like to build a home, so he will need to petition for a variance to the Village Board in order to get a grinder pump installed in order to pump his sewage all the way to Old Green Bay Road, and that will be a process that he'll need to go through through the Village Board.

With respect to easements, according to Roger Koessler at WE Energies, no additional easements are required.

With respect to special assessments and fees, there are some special assessments outstanding for two tax parcel numbers, 92-4-122-152-0406, and this is a 2005 Parcel in the form of the Bentz Sewer Lift Station Fee of \$2,454.98; for Tax Parcel Number 92-4-122-152-0407 Bentz Sewer Lift Station Fee of \$2,454.98; and for Tax Parcel Number 92-4-122-152-0169 Bentz Sewer Lift Station Fee \$3,805.21. The first two fees were as a result of the two condominium CSM areas that were created, and those funds will need to be paid in full before we finalize the CSM for this lot.

There would also be sewer connection fees of \$1,600 per residential unit equivalent for any new connections as well as impact fees that will be due prior to issuance of any new building permit. With that, because this request was a public hearing for a zoning map amendment, I'd like to continue the public hearing at this time.

Tom Terwall:

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

Lisa White:

Good evening, ladies and gentlemen. My name is Lisa White, address 6807 85th Street, Pleasant Prairie. I have concerns like most of my neighbors with any building being done in the floodplain. If we flooded in our yard my understanding is we can't rebuilt our home or our out buildings should something occur or a certain percentage is damaged. I just don't understand why we allow new construction in a floodplain that could potentially cause damage to others. That's my issue.

Tom Terwall:

Anybody else?

Rich Oscarson:

Rich Oscarson, 8735 Old Green Bay Road. I just want to let you know that I am here tonight to answer any of your questions. I think Jean explained it very well and covered all the issues. But if there is a question I'm here to answer it.

Jean Werbie:

I need to clarify that the duplex that's being proposed on the CSM on Old Green Bay Road will not be built in the floodplain. There is no floodplain there. A floodplain was created on the parent parcel in order to do a compensation of that 473 cubic yards of fill. So there's no building of that one duplex in the floodplain, and his single family home that he is intending to build back on the balance of the property, you can see where the few trees have been identified, that area is not in the floodplain as well. As a reminder, the original neighborhood plan showed up to 60 duplexes could be built in that wooded area in the back, and what the property owner is going to be doing is building one home not in the floodplain in the back of the property. So just so you know there will not be any building in the floodplain. There will be no water displacement as a result of these two units being built.

Tom Terwall:

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

Don Hackbarth:

I have a couple of questions. First of all, when you remove or adjust the floodplain, is it a requirement that after the land is removed that that removed area needs to be reseeded or does it just go naturally to the natural species?

Jean Werbie:

It does need to be stabilized.

Don Hackbarth:

The second question I've got is this is always a water issue. We had some pretty good rain last week. Did we get any irate people saying I'm drowning?

Jean Werbie:

The calls would not have probably come into community development. If there were calls they would have probably submitted over to public works.

Don Hackbarth:

Because I think the way we're planning here I think we're doing a pretty good job of eliminating a lot of water problems rather than creating them.

Jean Werbie:

The density on this particular property was substantially reduced by what he's proposing to do with the one single family home in the back.

John Braig:

Over the years I've observed flooding on this parcel, rather significant at times. But looking at the maps and the drawings that we have here it pretty much reflects what my observations have been. And, yes, the wooded portion to my recollection has never been exposed to flooding. And I'd be happy to see a single family home there.

Tom Terwall:

Anything else? If not then we need two motions. The first is a motion for a zoning map amendment and I'll take that one first.

Mike Serpe:

So moved, Mr. Chairman.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION OF THE ZONING MAP AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. The second item is for certified survey map approval.

Don Hackbarth:

So moved.

Judy Juliana:

Second.

Tom Terwall:

MOTION BY DON HACKBARTH AND A SECOND BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM 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 on behalf of Akihiro Ohyama of Iris USA, Inc., property owner, for a Conditional Use Permit to allow Iris USA, Inc. to construct one (1) additional railroad spur located in between the existing railroad spur and the existing building at 11111 80th Avenue in the LakeView Corporate Park.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a request of Iris USA, the property owner, for a conditional use permit to allow Iris to construct one additional railroad spur located in between the existing railroad spur and the existing building at 11111 80th Avenue in the LakeView Corporate Park.

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 in your staff comments.

Findings of Fact

1. Iris USA, Inc., referred to as Iris, is requesting a Conditional Use Permit to expand its capability of handling current and future railroad needs by adding one additional railroad spur, to be located in between the existing railroad spur and the existing building, at 11111 80th Avenue in the LakeView Corporate Park on Tax Parcel Number 92-4-122-284-0014.
2. Background Information
 - a. On April 11, 2005, the Plan Commission approved a Conditional Use Permit 05-02 to allow the construction and use of a 245,000 square foot warehouse building addition to the existing 373,575 square foot Iris manufacturing/warehouse building. With the 2005-2006 building addition, the total Iris building area is now 618,575 square feet.

- b. The original 373,575 square foot portion of the building is used for the manufacturing and warehousing of plastic storage containers and other Iris products. The 245,000 square foot addition is used for warehousing, shipping and distribution.
 - c. Production at Iris operates 24 hours/day and 7 days/week. The warehousing and distribution aspects typically operate 18 hours/day and 5 days/week, with seasonal increases to 24/7.
 - d. The number of employees at Iris is 311, with seasonal increases to an additional 50-60 employees. It is anticipated that these employment numbers will remain the same with the installation of the new railroad spur.
3. Pursuant to the applicant and Plans, the following Railroad Spur project information is provided.
- a. The reason for the additional railroad spur is to be able to park more rail cars on the Iris property in order to buy plastic resin in a spot market.
 - b. Iris receives all of its plastic resin via rail. No resin is delivered by tanker truck.
 - c. The existing railroad spur is approximately 800 feet in length. A partial eastward realignment of approximately 460 feet of the existing spur is proposed to facilitate the accommodation of the new spur. This realigned spur will be reconnected to the remaining approximate 350 feet of existing spur.
 - d. The new railroad spur will be approximately 825 feet in length and is proposed to be located in between the existing spur and the Iris building.
 - e. Currently, Iris receives approximately 3 - 4 railcar deliveries of plastic resin per week and with the additional railroad spur, Iris does not anticipate an increase in the number of weekly railcar deliveries.
 - f. The plastic resin material is vacuum pumped from the railcars into the exterior storage silos and then into the manufacturing production line in the building.
 - g. Both the existing spur and new spur can accommodate 12 railcars.
 - h. No new exterior lighting or fencing is proposed with the additional railroad spur project.
 - i. No trees will be impacted in any way with the spur project.
 - j. No underground utilities will be relocated or impacted by the new railroad spur and realigned railroad spur.
 - k. In order to accommodate the new spur, an approximate 10' x 800' portion of the existing 30 foot wide asphalt pavement along the east side of the Iris building is proposed to be removed. This 30 foot wide asphalt drive is part of the emergency vehicle access loop around the building. The removal of

approximately 10 feet of this pavement width will leave a pavement width of approximately 20 feet and with railcars parked on the new spur, the width will be reduced to 17.8. To provide for the Fire & Rescue Chief-required minimum 20 foot wide emergency vehicle lane as measured from the west exterior side of parked railcars to the western edge of the fire lane pavement, an additional 2'-4' of asphalt paving is being added to the west side of the fire lane to achieve the required minimum 20 feet of width.

- l. Three new culverts are proposed to be installed under the railroad spurs; a 15" and two 12" culverts.
 - m. All of the railroad spur work will occur entirely on Iris-owned property.
 - n. Iris does not anticipate the hiring of any new employees as a result of the new spur.
 - o. Iris is not aware of any other Federal, State or County permits that may required for this project. The Union Pacific Railroad permit and approval process will ensure compliance with all regulations.
4. The current zoning of the property is M-2, Heavy Manufacturing District. The proposed railroad spur use requires a Conditional Use Permit in the M-2 District.
 5. The petitioner and all of the abutting and adjacent owners within 300 feet of the site were notified via U.S. Mail on August 14, 2006. Notices were published in the *Kenosha News* on August 14, 2006 and August 21, 2006.
 6. The Village emailed/faxed the petitioner a copy of this staff report on August 25, 2006. The staff contact that we have been working with is Matt Shinagowa, and that is who we've been in communication regarding this project with for the last several weeks.
 7. According to 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, I'd like to continue the public hearing. Iris does have representatives here. If you have any questions for them I'm sure they'd be happy to answer those questions.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'm going to open it up to comments and questions from Commissioners and staff.

Don Hackbarth:

In looking at that drawing, it's kind of hard to see because it's very small, but the fire lane that goes inside of the building, a fire truck does not have to cross the track is that correct?

Jean Werbie:

That's correct.

Don Hackbarth:

So there will be no railroad car that would ever--

Jean Werbie:

I'd like to have Iris come up, their representatives, and they can respond directly to you.

Tom Terwall:

We need your name and address, sir.

Matt Shinagowa:

There is no crossing of the spur line by emergency vehicles.

Don Hackbarth:

So no matter where the cars are

Matt Shinagowa:

Correct.

John Braig:

Have we had any problems with violations of ordinances or any difficulties with Iris?

Jean Werbie:

Not to my knowledge.

John Braig:

I didn't expect any. I think they've been a good company in the WisPark area and I'm happy to see them grow and continue to grow.

Tom Terwall:

No further comments?

Mike Serpe:

I commend Iris. You've made a commitment to Pleasant Prairie and we definitely appreciate it. To grow to 618,000 square feet that's large. We definitely appreciate it. With that I move approval of the conditional use permit.

Tom Terwall:

And site and operational plan. More comments, Jean? Please do.

Jean Werbie:

Insofar as the Village Plan Commission references the staff comments and the determination that you have made complies with the conditions as set forth, then we can reference the staff comments.

Tom Terwall:

So we need a motion of conditional use approval including site and operational plans.

Mike Serpe:

That's my motion, yes.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY MIKE SERPE AND A SECOND BY JIM BANDURA TO APPROVE THE SITE AND OPERATIONAL PLAN AND THE CONDITIONAL USE PERMIT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM BASED ON THEIR FINDINGS IN THAT MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

D. PUBLIC HEARING AND CONSIDERATION OF A FINAL 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 for approval of a Final Plat for Creekside Crossing Addition #1 Subdivision.

E. Consider the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC, owner for a Certified Survey Map to dedicate and construct 91st Street between Old Green Bay Road and the Creekside Crossing development.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, Items D and E, these are the request of 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 for approval of a Final Plat for Creekside Crossing Addition #1 Subdivision. And they are also requesting the approval of a Certified Survey Map to dedicate and construct 91st Street between Old Green Bay Road and the Creekside Crossing development. Again, separate actions on these items will be required.

The petitioner is requesting approval of the Final Plat for Creekside Crossing Addition #1 Subdivision and approval of a Certified Survey Map to dedicate 91st Street that will extend from the development to Old Green Bay Road. Creekside Crossing is generally located north of 93rd Street at 63rd Avenue.

The Final Plat proposes to create the nine single family lots 8 Outlots. The single family lots range in size from 15,171 sq ft to 29,456 sq. ft. with an average lot size of 21,507 sq. ft. Outlots 7, 8, 9, 10, 13 and 14 will be retained by the Developer for future condominium development. Outlot 11, which is just over two acres, will be dedicated to the Village for Public Park Purposes and Outlot 12 will be retained by the Developer for storm water purposes.

This Final Plat, known as Creekside Crossing Addition #1, is part of larger mixed residential development known as Creekside Crossing. The entire Creekside Crossing development is being constructed in a number of stages.

The single family development is being constructed in two stages:

- < Stage 1: 15 single-family lots
- < Stage 2: 9 single family lots

The Condominium development is being constructed in three stages:

- < Stage 1: 116 condominium units
- < Stage 2: 85 condominium units
- < Stage 3: 88 condominium units

Stage 1-Single Family and Stage 1-Condo have received Final Plat approval and these portions of the development are under construction. The Final Plat for Stage 2 is being considered at this time.

The Final Plat and the Certified Survey Map is in compliance with the Comprehensive Plan, Whittier Creek Neighborhood Plan through Plan Commission Resolution #02-05, the Conceptual Plan as conditionally approved on March 3, 2003, and the Preliminary Plat as approved on October 20, 2003 and re-approved Preliminary Plat on August 7, 2006 through Resolutions #03-40 and #06-35, respectively.

Under population projections, the entire development, upon full build-out will have 312 dwelling units as discussed previously, with approximately 852 persons. The Village provides copies of all this information to Kenosha Unified, and we've been notified that a total of 131 public school age children could possibly come from this development at full build out.

With respect to open space, approximately 28 acres or 23 percent of the entire development at full build out is proposed to remain in open space. The open space as previously discussed includes parkland, wetland, floodplain and shoreland.

Under retention areas, several retention facilities to handle the storm water management requirements are provided. The Developer's engineer has evaluated the development site, as well as the entire drainage basin tributary to the development and as a part of the engineering plans and has included a storm water management facility plan, which meets the Village requirements and it's part of the Engineering Plans. The retention facilities located throughout the development are proposed to be used for storm water management purposes and will be maintained by the Condominium/Homeowners Associations.

Under site access, two access points are currently existing that access the site from 93rd Street and one to Old Green Bay Road through 91st Street will also be constructed by the Developer. Stage 1-Single Family and Stage 1-Condo development was being developed with two access points. The third access point from Old Green Bay Road is being constructed by the developer to accommodate this next phase of development.

Under certified survey map, the certified survey map that you're looking at on the slide deals with 91st Street. As you will recall very early in the process the Plan Commission and the Board required that there be a third access point immediately as part of the additional phases of construction for this particular project. The developer purchased a 92 foot wide by 704 foot wide parcel and has razed the existing structures on the property for the construction of 91st Street that will connect this development to Old Green Bay Road.

The developer is required to install all of the required public improvements in 91st in order to provide that access connection for this development. They are proposing to dedicate the entire width of this parcel which is 92 feet. Again, typically 66 feet is required for a road right of way, but they are dedicating the entire 92 feet to the Village as dedicated public street right of way. The CSM will be considered by the Village Board at the same time that the Village Board considers the final plat.

The Engineering Plans for Creekside Crossing Addition #1 includes the roadway, sewer, water and storm sewer for this portion of 91st Street. In addition, the Landscaping Plan for the development also includes public street trees to be planted every 50 feet in 91st Street between Old Green Bay Road and the property limits and into Creekside Circle.

Under Public improvements, the following public road right-of-ways are proposed to be dedicated to the Village:

- C Creekside Circle adjacent to Outlots 10, 11, 12, 13 and 14
- C 62nd Avenue
- C 65th Avenue
- C 90th Street east of Creekside Circle
- C 89th Street and
- C 91st Street within the plat boundaries and 91st Street leading to Old Green Bay Road pursuant to the CSM.

The following private roadways are proposed for the future Stage 2 of the Condominium Development:

- C 90th Place west of Creekside Circle
- C 90th Street west of Creekside Circle
- C 89th Place east of 65th Avenue and
- C 91st Place east of Creekside Circle.

Sanitary sewer, water and storm sewer within the aforementioned public roadways and within easement areas for the future private roadways is also being installed as part of this stage of the development. This includes all the public improvements for the remainder of their development. So as part of this entire plat everything is being dedicated, and the balance of the work on their site will be private with respect to the roadways.

Under right of recovery, the developer will be requesting the Village Board to consider a right-of-recovery for the public improvements, including street trees proposed within the dedicated 91st Street as shown on the CSM as discussed above. The adjacent properties north and south of this dedicated public street could be further subdivided and could benefit from the public improvements being installed by the Developer. The actual costs for such public improvements will be provided at the time the Final Engineering is completed. Property owners north and south of this roadway will need to pay their fair share of the costs for the road, sewer, water, storm sewer and street trees if they choose to connect to or utilize the public road, public services or subdivide their properties, whichever comes first. A Special Assessment public hearing for these public improvements will be scheduled by the Village Board related to these pending costs prior to approval of the Final CSM.

And just to note, one of the property owners adjacent to this 91st Street has already been in contact with the Village staff because they're very anxious for these public improvements to be extended so that they can develop their property.

Under zoning map amendments, the following zoning currently exists on the property:

- C Lots 16-24 are zoned R-4, Urban Single Family Residential District,

- C Outlots 7, 8, 9, 10 and a portion of 14 are zoned R-8 (UHO);
- C Outlot 13 is zoned R-9 (UHO);
- C A portion of Outlot 14 is currently zoned R-10 (UHO);
- C the field delineated wetlands are zoned C-1;
- C the non wetland portion of Outlots 11 and 12 are zoned PR-1 (UHO); and
- C a portion of the site is zoned FPO, Floodplain Overlay District.

Upon completion and approval of the Floodplain Boundary Adjustment by FEMA, the Zoning Text and Map will need to be amended to correct the FPO District boundaries to reflect that adjustment that they have completed.

The UHO areas will be removed and replaced with a PUD at the time that the respective condominium final plats are to be considered and the Planned Unit Development Text amendments are prepared for consideration.

Under the cost sharing agreement, the parties acknowledge that, due to recent changes in Wisconsin law, the Village has reduced the \$2,361 impact fee previously charged at the time a building permit \$1,490, leaving a revenue shortfall of \$891. per unit. The Developer acknowledges that the Village does not have another source of funds to cover the cost to provide services to new residential development. The Developer further acknowledges that the contemplated services will benefit the future owners of the residential units to be built in the development, and that a decision by the Village to postpone, reduce or eliminate such services could adversely affect the market of the residential lots and other property in the development. The Developer desires to ensure that the services in question are implemented on schedule and as needed, and therefore agrees to share in the cost of such services by making a voluntarily monetary contribution to the Village in the amount of \$891 per unit at the time each building permit is issued for construction of the residential units on the Property. The parties acknowledge and agree that the Village has not required such a contribution as a condition for the approval of the Final Subdivision Plat or the future issuance of building permits, and the Developer acknowledges that they is making such contribution voluntarily and in furtherance of its own interests.

This is the final thing with respect to these items, the developer is requesting that the Village Board time frame to consider the Final Plat and the CSM be extended to April 1, 2007. Typically it's a 60-day approval for a plat and a 30-day approval for a certified survey map. But because there are a number of issues that they are trying to work out internally, they are requesting the approvals to extend to April 1, 2007.

This is a matter of public hearing as a result of the final plat, and the staff would like to continue the public hearing at this time.

Tom Terwall:

Anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak?

Kari Kittermaster:

I'm Kari Kittermaster with Regency Hills Development, 5008 Green Gay Road in Kenosha. I'm here to answer any questions in regards to the final plat for Ad #1.

Tom Terwall:

Let me ask one on behalf of my wife right away. When are you going to have the open house on that four unit condo?

Kari Kittermaster:

It's next weekend after Labor Day.

John Braig:

It looks like one unit is occupied already.

Kari Kittermaster:

Yes, it is.

Tom Terwall:

A four unit building?

Kari Kittermaster:

I'm not sure which building.

John Braig:

It's the most southern eastern corner.

Kari Kittermaster:

That's our model home building, yes. I knew we had an occupancy but I wasn't clear which building.

John Braig:

Whenever this project comes in I can't help but reflect on the aggravation I experienced regarding what I'll politely call a misunderstanding regarding tree removal. I try to put that out of my mind. But I am concerned because when this project started we addressed or were promised a heightened path or a walkway along Jerome Creek.

Jean Werbie:

There is a path.

John Braig:

There is to be a hiking path or a walkway? I see no mention of it in this first addition, not mentioned in any way, so I want to know is it going to be there or isn't it? A real simple question.

Jean Werbie:

Under parkland, I mentioned it previously in other hearings so I did not re-read this section again, but it's under parkland under open space. A 15 foot wide easement has been dedicated along the west side of Jerome Creek and a 10 foot wide pedestrian path is being constructed within the easement that will be connected to the park areas. I would have to confirm with Bob if any portion has been construction. I think we were going to wait until we went a little bit further to the north. We didn't want to construct it until we had that entire area completed with respect to grading, but it is intended to be constructed and they've identified the easements on the plat.

John Braig:

Good, thank you.

Don Hackbarth:

What makes me uncomfortable about this deal is we talk about the \$800 and some as a voluntary contribution. You can't enforce it, right?

Jean Werbie:

Once they have now agreed and we have drafted the development agreements insofar as it's the contribution that's being made. The same agreement was made with the exact same language for Village Green Addition #1 that was approved by the Village Board a month ago.

Don Hackbarth:

But it clearly says it's voluntary. What happens if they decide—

Jean Werbie:

It was voluntary. It was not a requirement of the approval of the plat. But we have now since entered into an agreement and they have agreed to pay it as part of our agreements that we have no entered into.

John Braig:

The agreement stands as a separate item.

Jean Werbie:

Right, it was not a condition of the approval.

Tom Terwall:

And the agreement states that it will be paid at the time the permit is issued?

Jean Werbie:

No, it will be paid at the time that they close on the individual lots. So the developer is paying it at the time that they close on each lot. It's not at the time of building permit. Only the impact fees are at that time.

Don Hackbarth:

The only reason I say that is because I was called out on that guy that got crushed or chewed up. I'm a Chaplain and I was doing a lot of police work because they were so undermanned. There were a lot of controls and they said do this and do that and that wasn't my job, but the police department is getting thin. They're getting real thin. And when there's a major event like that and people are coming on scene and we start packing in more development and not provide service we're going to be in real trouble.

Jean Werbie:

And I believe that the last three developers we worked with recognized that and they do not want to see the service level decrease in Pleasant Prairie, and so that's why they have voluntarily agreed to make these payments.

Mike Serpe:

I have to commend staff and also compliment the developers that we're dealing with to make the agreement to make us whole on the loss of the impact fees. I've got to be honest with you, if that didn't happen then there would be no way that this Village could support that development and I would be voting against the development. So far, and this is Mastercraft, is that correct?

Jean Werbie:

Yes.

Mike Serpe:

Mastercraft and I know Mark is here tonight and others that we have dealt with that are quality people to deal with that have come forward to work with us and to continue the growth that we're experiencing in Pleasant Prairie.

John Braig:

You aren't alone in that thought.

Mike Serpe:

It's real easy. The wonders in Madison I just wonder if they're going to get wind of this and try and do something. You never know what's going to happen. But we appreciate that to Mastercraft and to Mark and Prudential and to all the others we're dealing with as well. With that I would move approval of the final plat.

Don Hackbarth:

Second.

Tom Terwall:

THERE'S BEEN A MOTION BY MIKE SERPE AND A SECOND BY DON HACKBARTH TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE FINAL PLAT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Now we need a motion for the CSM.

John Braig:

So moved.

Larry Zarletti:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND SECOND BY LARRY ZARLETTI TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

F. PUBLIC HEARING AND CONSIDERATION OF THE ZONING TEXT AMENDMENT for the request of Mark Bourque, agent for Willow Point Plaza

LLC, owner of the property located at 8501-03 75th Street to amend Chapter 420 Attachment 3 Appendix C Specific Development Plans 12 of the Village Zoning Ordinance relating to Planned Unit Development for Willow Point Plaza.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a request of Mark Bourque, agent for Willow Point Plaza LLC, owner of the property located at 8501-03 75th Street to amend Chapter 420 Attachment 3 Appendix C Specific Development Plans 12 of the Village Zoning Ordinance relating to Planned Unit Development for Willow Point Plaza.

The petitioner, who recently purchased the Plaza which is located at 8501-03 75th Street known as the Willow Pointe Retail Center, is requesting to amend the PUD for the development.

The proposed modifications of the PUD Ordinance includes the following:

- C Changing the name of the development to Willow Point Plaza from Willow Pointe Retail Center.
- C Correcting the word “Chapter” to “Section” within the entire PUD Ordinance.
- C Adding a provision that the minimum separation distance between two principal buildings shall be 10 feet. Currently the PUD allows two principal buildings but did not specify their specific separation distance.
- C Section 420-76 T related to Primary Monument Signs shall be amended as follows:
 - A. One sign is required.
 - B. A changeable copy sign, electronic changing message sign or electronic scrolling sign is permitted.
 - C. Maximum area: 160 square feet per face.
 - D. Maximum height: 16 feet.
 - E. Minimum setback distance: 5 feet from any public street or highway right-of-way. The current ordinance requires 15 feet in every direction.
 - F. Shall include the street address of each principal building on the property, including the street numbers and the name of the street, but such addresses may be placed on the base of the sign.
 - G. Landscaping shall extend a minimum of two feet in every direction from the base or other support structure of the sign. The current ordinance requires five feet in every direction.
 - H. May be illuminated.

- I. Shall be placed on a solid-appearing decorative base which supports a minimum of 75 percent of the horizontal dimension of the sign display.
- J. The base of the sign shall:
 - 1) Have a height that does not exceed the vertical dimension of the sign display.
 - 2) Not extend to either side of the sign display by a distance exceeding ½ of the horizontal dimension of the sign display, or extend above the level of the top of the sign display by a distance exceeding ½ of the vertical dimension of the sign display.
- K. May be three-dimensional.

All of the items that I've just referenced are a part of the attached ordinance. This is a matter for public hearing and the petitioner is in the audience if you have any additional questions.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak? Anybody wishing to speak? Mark, anything you wanted to add? I'm going to open it up to comments and questions from Commissioners and staff.

John Braig:

The Village staff put in quite an effort developing this sign ordinance and I can recall as it applied to this. Why are we reducing the requirements of something that we worked hard to develop in the first place?

Jean Werbie:

Because of the proximity of this site to Highway 50. Remember that this existing building is legal nonconforming and so it's not set back the typical 65 feet. The parking lot is not set back. So when you take a look at everything there is no room to put a primary monument sign in between the right of way and the parking lot. So, again, when this center was first created there were no specific PUD regulations. There is a sign out there today that does not meet current setbacks, and we wanted to make sure and as a new owner of the center he wanted to make sure that where the buildings and the sign are located today that if something happens to that building or the signage that he's able to replace it at a current location. He can only do that through a planned unit development or through a future variance. So the PUD, again, gives that flexibility to allow what we have today into the future.

John Braig:

Do we have any moving message signs or changeable message signs in the Village now? I was under the impression the ordinance prohibited it.

Jean Werbie:

The Crossing Office Building on Highway 50. The Village's IcePlex has one. I don't know if there's any other. Culver's doesn't have a scrolling but they have a changeable message sign so we do have them in the Village. They're allowed by ordinance.

John Braig:

Is there any restriction on the message area different than a fixed message would be?

Tom Shircel:

It's all included in the signage area calculation. So the message board is included in the total sign area.

John Braig:

One more. Three dimensional, I assume the two dimensional requirements apply to the third dimension also?

Jean Werbie:

With respect to the total area?

John Braig:

Total area or depth or whatever.

Jean Werbie:

Yes.

Don Hackbarth:

I mean with all the things that we're requiring Mark to do to make this look nice, I think the sign is going to look very nice. Not only that, along that stretch of Highway 50 as you go out there now, just take a look at the signs in Pleasant Prairie versus when you get into the City. It's like you're moving into a different realm. So our sign ordinance, even though we're making some adjustments here because of Highway 50 I think you're doing a good job. With that I'd approve it.

Tom Terwall:

The other thing you don't want to lose site of is not that many months ago we were starting at the possibility of an adult entertainment center being at that facility. So this is a vast improvement.

Mike Serpe:

I'll second that.

Tom Terwall:

Mark, do you want to say something?

Mark Bourque:

Thank you, Mr. Chairman. Mark Bourque, Prudential Premier Properties, 6040 39th Avenue. Commissioner Braig I just wanted to clarify for you that we are not going to have a changeable message copy board on this particular sign. One of our disappointments in purchasing this plaza was the temporary character of the sign that's been installed apparently without a permit. So when we started to investigate the PUD ordinance that was on this particular property for the purposes of installing a permanent professionally designed commercial internally illuminated sign which will be on a brick base to match the rest of the plaza, we learned that there were some discrepancies there. And by the nature of the grandfathering at this particular plaza, had we attempted to install the sign pursuant to the existing ordinance it would have been in the parking lot and would have then required us to demo a number of parking spaces, redo landscaping, curbing and essentially a host of other things that wouldn't have necessarily been feasible. So that's what brought us here before you tonight in order to clean up those issues.

Tom Terwall:

WE HAVE A MOTION BY DON HACKBARTH AND A SECOND BY MIKE SERPE THEN TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

G. PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AND MAP AMENDMENTS to amend Section 420-12 related to the official zoning maps and amendments to said maps; and to adopt new official zoning maps.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a consideration of a Zoning Text and Map Amendments to amend Section 420-12 related to the official zoning maps and amendments to said maps; and to adopt new official zoning maps for the Village of Pleasant Prairie.

On May 22, 2006 the Plan Commission approved Plan Commission Resolution #06-14 to initiate a zoning text and map amendments related to the Village's Official Zoning Maps and Zoning Text. The Community Development Department staff, in conjunction with the Village's GIS Division of the IT Department, has been transferring existing hand drawn Zoning and Shoreland Zoning Maps into a digitized electronic map formats for the Village. This has now been completed, this process, and new zoning maps have now been prepared.

As specified in the amendment to Section 420-12 of the Village Zoning Ordinance entitled Zoning Maps, the new Official General Zoning and Shoreland Zoning Maps are on a series of 41 cadastral maps at a scale of 1" = 200', dated March 2006 and prepared by the Kenosha County Department of Planning and Development.

The general zoning districts and the shoreland zoning district boundaries are shown on these maps and the floodplain overlay districts are shown on this map for reference purposes only. Each of these maps shall be certified by the Village President and attested by the Village Clerk. Each ordinance amending the Zoning Maps shall be promptly noted on the maps by the Village Zoning Administrator. The Zoning Maps shall be available for inspection in the Village Community Development Department.

Let me just clarify that the maps that we have here before you, if you'd like to take a look at them, the cadastral base information was prepared by Kenosha County, but the zoning district information was prepared by the Village of Pleasant Prairie. Kenosha County did not have anything to do with preparing the zoning map or text information pursuant to these maps. That is a Village planning and zoning function. 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'm going to open it up to comments and questions from Commissioners and staff.

John Braig:

Was the digitizing done by staff and then any corrections or any future follow up is obviously going to be done by staff also? Thank you.

Jean Werbie:

All of the digitizing was done by the GIS division of the IT department, and then those maps have been provided over to the Village's zoning staff to check and reverify. All three of the zoning staff members checked and reverified these new digitized maps with the existing maps on file that were hand drawn by the Village. So we have checked them three times before bringing them back to the IT department to finalize the digitizing.

Don Hackbarth:

Just what is the process of this? Do they take that fly over, that airplane thing, and then they use that? No?

Jean Werbie:

No. Actually our original zoning map came from Kenosha County and they were hand drawn on aerial photos. Then we hand drew them on the cadastral maps and then they took the zoning information and put it into computerized layer and then put that layer on the cadastral map. So it

has nothing to do with flying or anything. It's based on property boundary maps that were originally prepared by and are updated by Kenosha County for the Village of Pleasant Prairie. So it's based on actual zoning maps that we have had and we have updated since we became a Village.

(Inaudible)

Jean Werbie:

No, that would be for topographic maps or other maps of the Village but not zoning maps. Zoning maps, again are by property boundary.

Tom Terwall:

All the as built for sewer and water now use that?

Jean Werbie:

Correct, but not for a zoning map.

Tom Terwall:

If there's nothing further what's your pleasure?

John Braig:

Move approval.

Judy Juliana:

Second.

Tom Terwall:

A MOTION BY JOHN BRAIG AND A SECOND BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THIS ITEM 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.

H. Consider the request of Mark Bourque, agent for Willow Point Plaza LLC for approval of Site and Operational Plan for Central Music and Learning Center to occupy 3,700 square feet of the building located at 8503 75th Street.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is an item to consider the request of Mark Bourque, agent for Willow Point Plaza LLC for approval of Site and Operational Plan for Central Music and Learning Center to occupy 3,700 square feet of the building located at 8503 75th Street.

Pursuant to Section 420-54 A. (1) (a). of the Village Zoning Ordinance, the Village Plan Commission shall have the authority to review and decide any application for an initial or amended Site and Operational Plan when the new or additional principal use exceeds 50 percent of a given existing principal building. This tenant will occupy more than 50% of this building thus requiring approval before the Village Plan Commission.

Pursuant to the application the store will sell/rent musical instruments including string, brass, percussion, amplification and related accessories. They will also provide instruction of music lessons. The business hours are 10:00 a.m. to 9:00 p.m. Monday through Saturday, closed Sunday. There will be two full-time and two part time employees. In addition, 10 independent contractors will use the space for music lessons.

According to Article IX of the Village Zoning Ordinance, the Plan Commission shall not approve any site and operational plan without finding that they meet all of the requirements set forth in the site and operational plan provisions as well as satisfying any conditions as set by the Village Plan Commission. The staff recommends approval of the site and operational plan subject to the comments and conditions as outlined in the staff comments.

Mike Serpe:

Mark, is there going to be any type of soundproofing between–

Mark Bourque:

Mark Bourque again. Mike, this particular space was the former Keller Williams space which is adjacent to Curves. By nature Curves plays a lot of loud music, so when they did their build out they installed, at least according to records, a soundproof wall there.

John Braig:

Mark, Central Music and Learning Center is that new to this area or are they relocating from local?

Mark Bourque:

It is new to the area. It partially existed in Paddock Lake on Highway 50 known as Highway 50 Music. One of the owners of that particular company has purchased the rights to the entire operation and then is relocating it to Willow Point and renaming it Central Music and Learning Center.

Mike Serpe:

Mr. Chairman, I'd move approval of the site and operational plan.

Larry Zarletti:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY LARRY ZARLETTI TO APPROVE THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- I. Consider the request of Steve Miller, of Northwestern Title Loans, LLC (d/b/a Loan Max), on behalf of Pebble Hill Associates, property owner, for Site and Operational Plan approval to remodel and occupy the vacant 2,283 square foot former Pizza Hut building located at 4608 75th Street.**

Tom Shircel:

This is the request of Steve Miller of Northwestern Title Loans, LLC, doing business as Loan Max on behalf of Pebble Hill Associates, property owner, is requesting Site and Operational Plan approval to remodel and occupy the vacant approximate 2,283 square foot former Pizza Hut building located at 4608 75th Street. Steve Miller, on behalf of the owner, again, is requesting approval for site and operational plan.

Like with the last application, pursuant to Section 420-54 A. (1) (a). of the Village Zoning Ordinance, this application is to occupy the whole building, thus they need to come before the Plan Commission.

Some background information:

- a. In early 2005, the Pizza Hut restaurant went out-of-business.
- b. In March of 2005, the Village issued a permit for the decommission of the Pizza Hut, which entailed a modification of the Pizza Hut roof from the trademark red – hut-style roof to the current brown, shingled roof. The removal of the Pizza Hut equipment was also part of the decommission and the building signage and the primary monument signage was also changed or blanked out to notify that Pizza Hut was no longer there.

- c. On October 14, 2005, I was out at the site and noticed that the exterior brick of the former Pizza Hut building was in the process of being painted a bright yellow color and the building trim was being painted red in color. While on-site, I asked the contractor if he had obtained the required Zoning Permit for the exterior building modifications to this building. The contractor stated he had not obtained any permits and was unaware of the fact that permits were required for such building exterior modifications. The contractor and his crew were ordered to cease the illegal painting activities immediately.
- d. On October 21, 2005, I had a telephone conversation with Steve Miller of Loan Max informing him of the violations that have taken place on this property. Specifically, the Village Zoning Ordinance requires that:
 - i. Alterations to the exterior of a commercial building require that permits were not even pulled for doing that.
 - ii. Commercial buildings are not allowed to be painted garish, unsightly or offensive colors, for example the bright yellow color that the building was being painted.
 - iii. And the final violation was any stone or brick surface facing material on the exterior of a commercial building shall not be painted or stained pursuant to the Village zoning ordinance.
- e. Shortly thereafter, the bright yellow color that the brick had been painted was painted over with an off-white color, which still exists today.
- f. In association with the illegal exterior building painting, the Village Inspection Department ceased minor interior renovations that had commenced without permits as well.
- g. This building has been vacant since early 2005 and to the Village staff's knowledge, no activities have occurred at this site since the illegal painting activities have ceased in October 2005.

With this application, in order to bring this building back into conformance with the Zoning Ordinance requirements, the following is being proposed.

- a. The painted exterior brick will be chemically stripped to not only remove the paint, but to also clean the brick without incurring the visible damage that can occur with sandblasting. The end result will be to return the brick to its original Pizza Hut state.
- b. The exterior wood board, soffit, fascia and trim of the building will be repainted as follows:
 - i. The building trim will be painted a burgundy color.
 - ii. The wood board, soffit and fascia will be painted tan in color.

Pursuant to the application, other than the modifying the exterior colors as noted, no physical exterior modifications have been made, or are proposed for this building.

Under parcel combination, the Loan Max site is comprised of two Tax Parcels, Tax Parcel Numbers 91-4-122-024-0010 and 91-4-122-024-0012. As a part of any Site and Operation Plan approval and pursuant to Section 420-140 F., these nonconforming properties owned by the same individual or individuals, shall be legally combined into one parcel prior to the issuance of any zoning and building permits. So they will have to combine those parcels to make them into one.

The current zoning of the property is B-2, Community Business District and the proposed Loan Max financial institution is a permitted service use in the B-2 District.

Under nonconformities, the B-2 District requires a minimum lot size of two acres and a minimum lot frontage on a public street of 150 feet. Even when the existing two Loan Max parcels are combined as I just stated, the total size of the site will be 21,250 square feet or just under a half acre with 125 feet of frontage on 75th Street, which means the lot is legally nonconforming.

Pursuant to Section 420-140 E. (2), the criteria that that section sets forth regarding legal nonconforming properties, there is sort of a hierarchy involved. I won't go through all of them, but the main one that it pertains is (a), the first one in your staff report. Any existing or proposed accessory structure or proposed addition to an accessory structure on the lot shall be reduced in size or eliminated, as necessary to achieve compliance. Therefore, unless the property owner/lessee can provide sufficient reasons to retain the detached shed located in the northwest corner of the site, the shed shall be completely and permanently removed from this site. Additionally, the detached trash/recycling enclosure, also located in the northwest corner of the site, shall be allowed to remain, in that given the already tight maneuvering lane around the building, the construction of a conforming attached enclosure would diminish vehicular access around the building. All trash dumpsters shall be located within the trash enclosure.

What we're stating is that that shed if it's not needed needs to be removed, and because of the small site and the tightness of the maneuvering lane around the old Pizza Hut building, we will allow the detached enclosure for the dumpsters to remain because the zoning ordinance does require attached enclosures to the building, but given the parameters that would not work. As noted, (b), (c), (d), (e), (f) and (g) in that section of the ordinance are not applicable to this site.

Under other exterior improvements:

- Ē** At a minimum, the parking lot shall be patched, re-sealed and re-stripped and shall include the required amount of handicapped spaces.
- Ē** The minimal landscaping area around the base of the Primary Monument Sign that also extends northwards towards the building shall be re-established and planted with low growing evergreen-type shrubs and other low growing plantings. The end result of the new landscaping shall be an aesthetically pleasing, established landscaped area. This landscaped area shall be continuously maintained in a weed-free, aesthetically pleasing state.
- Ē** All weeds and tall grasses shall be eliminated from the site.
- Ē** Any portions of the existing chain-link fencing located on the perimeter of the site that may be damaged, leaning, in a state of disrepair, etc., shall be repaired.

Ē All unnecessary/unused rooftop mechanical units shall be completely removed from the building.

Ē Sign Permits are required for all new and/or modified signs.

Other Site Matters

< The amount of parking, site access and the landscaped area for the site is proposed to remain as is.

< There shall be no drive-thru window/service allowed for the Loan Max use.

< There are no wetlands, floodplain or shoreland jurisdiction on this site.

< The Loan Max facility shall comply with the B-2 District hours of operation parameters, from 5:00 a.m. – midnight as set forth in the Village Zoning Ordinance.

< All trash/recycling dumpsters, as I noted, shall be located and stay within the trash enclosure at all times.

< If the detached shed is allowed to remain on the site, it shall be painted/stained to match the principal building.

With that, the Village staff recommends approval of the project subject to the conditions listed in your staff report.

Mike Serpe:

Is Mr. Miller here?

Tom Terwall:

We need your name and address please.

Andy Oper:

I'm actually Andy Oper. I'm representing Steve Miller. I'm from Partners in Design Architects, 600 52nd Street, Suite 220, Kenosha, Wisconsin.

Mike Serpe:

What type of loans are we talking about here?

Andy Oper:

I believe it's a cash checking type place.

(Inaudible)

Tom Terwall:

Are we going to put a police station annex right next door to handle the armed robberies that are going to occur?

Jean Werbie:

I think some of the concerns that the City of Kenosha has dealt with has to do with the hours of operation of their 24 hour establishments on 22nd Avenue. I'm not so sure that we would have those same issues with a store in Pleasant Prairie that's open typical normal business hours.

(Inaudible)

Tom Shircel:

That's the maximum allowed in the B-2 District. I don't know if Andy knows what their planned hours of operation are.

Andy Oper:

I believe we did submit that to Tom.

Tom Shircel:

If you look at the operational plan they plan Monday through Friday from 10 a.m. to 6 p.m., Saturday 9 a.m. to 2 p.m. and closed on Sundays.

John Braig:

Has this property been under the same ownership since the closing of Pizza Hut?

Tom Shircel:

To my knowledge yes. It's Pebble Hill Associates.

John Braig:

With that, I would move approval with the condition that there be no change in hours other than those indicated and that the shed be removed. There has been no evidence presented that would justify its continued existence.

Tom Terwall:

Is there a second before I take comments?

Mike Serpe:

I'll second that with a comment. Jean or Tom, if we approve this tonight, the site and operational, is there any way that we can monitor this if there is any adverse activity going on at that site in the next year? Could we bring it back?

Jean Werbie:

It's a permitted use in the district. We can certainly bring various items to their attention. Is there something in particular, a security system or alarm system or something in particular? Again, they're going to have pretty much standard hours on a very heavily traveled roadway, so I'm not sure what the nature of your concerns might be.

Mike Serpe:

They're a business that's going to operate unlike a bank. I don't know what their security measures are going to be. I don't know how secure the building is going to be. I just would be a little concerned, like Tom mentioned, about the criminal activity that might take place there not by the customers themselves but by the people watching what's going on. I hope and pray it doesn't happen, but sometimes the economy gets bad and people become destitute and they look for easy prey.

Don Hackbarth:

Andy, did you look at all the 42 comments that the staff provided?

Andy Oper:

Yes, I did. I actually spoke with Steve Miller on the phone on Friday and I believe he's okay with them. He will definitely remove the shed that is requested to be removed. I know another one of the comments was just the color samples of what the building be painted and I have those here for you if you'd like to take a look at them.

Don Hackbarth:

My comment is you say you believe he agrees with that. Does he agree with them? That's what I want to know. Does he agree with the 42 comments?

Andy Oper:

Honestly he did not have time to--he travels a lot and he did not read every single comment, but I spoke with him especially about the shed. I mentioned the landscaping comment. He did agree with those. There are a few items there that he needed to look at. I told him basically you are going to have to abide by these because that is what the Plan Commission will be voting on.

Don Hackbarth:

Are we going to approve this tonight or are we going to postpone it? If he hasn't seen them, I know it would create havoc for you to go over 42 comments.

John Braig:

If he hasn't seen them, he's had opportunity to see them and he's been warned about it, so it is assumed he accepts anything he has not objected to.

Tom Terwall:

And approval is subject to the terms and conditions outlined in the staff memorandum. So if he has a problem with that he's welcome to come back at the next meeting and withdraw it.

Tom Shircel:

Right. And as part of the approval process the Village will send out an approval letter to him stating that the Plan Commission has approved it and again we'll list those 42 conditions for him so he'll be notified once again.

John Braig:

With emphasis on the hours of operation.

Tom Terwall:

The shenanigans that went on there with the yellow paint, that was the previous owner that was doing that?

John Braig:

No.

Tom Shircel:

As Commission Braig was going to say, to my knowledge it's been the same owner since Pizza Hut has left.

Jean Werbie:

They were not informed by the realtor that they were not allowed to make exterior changes and they did not inquire.

John Braig:

Why does the word realtor pop up if there's been no change in ownership.

Jean Werbie:

When Pizza Hut was sold.

Tom Shircel:

Pizza Hut leased the building as will Loan Max. The owner has remained the same.

John Braig:

Then there was no realtor involved.

Jean Werbie:

For leasing the building.

John Braig:

Okay, thank you. The realty name was on the building.

Don Hackbarth:

I guess in the end if there's a place to locate an establishment like this in Pleasant Prairie that's probably the best place to stick it.

Tom Terwall:

I have one last comment or question. The staff comment page numbers aren't provided in this one. The Village staff recommends approval of the site and operational plan in bold letters?

Tom Shircel:

That was a typo.

Jean Werbie:

He did not read that as part of the comments.

Tom Terwall:

WE HAVE A MOTION BY JOHN BRAIG AND A SECOND BY MIKE SERPE THEN TO APPROVE THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM WITH THE EXCEPTION THAT THE HOURS OF OPERATION SHALL BE AS NOTED BY THE PETITIONER. MONDAY – FRIDAY 10:00 A.M. – 6:00 P.M., SATURDAY 9:00 A.M. – 2:00 P.M. AND CLOSED SUNDAYS. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Has Brian seen this do you know? Has Chief Wagner seen this?

Tom Shircel:

Yes, it was sent to all department heads for review.

7. ADJOURN.

John Braig:

So moved.

Mike Serpe:

Second.

Tom Terwall:

Let the record show that we adjourned at 6:22. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.