

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
September 11, 2006**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on September 11, 2006. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. 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.**
- 3. CORRESPONDENCE.**

Jean Werbie:

I received one piece of correspondence. Actually I think Wayne Koessler brought it in.

Wayne Koessler:

Yes, I did.

Jean Werbie:

Do you want to talk about it real quick?

Wayne Koessler:

You want to read it?

Jean Werbie:

I can read it. This is dated September 7, 2006 from We Energies. Unit 1 at Pleasant Prairie sets record for continuous operation. Unit 1 at Pleasant Prairie's Power Plant recently ended the longest continuous run, 517 days, in its 25 plus year history. The unit rated at 590 megawatts was taken out of service on Saturday, September 2nd, to repair a leak in the condenser. The record for Unit 1 also stands as a site record for Pleasant Prairie. This is a tremendous accomplishment for all of the employees here said Pat Stiff, asset manager for the Pleasant Prairie Power Plan. Credit goes to our system teams who develop and execute long-range equipment plans to ensure that our units can perform within the framework of the biennial outage schedule we implemented several years ago. This record run shows that careful planning and execution, together with financial investments by the company, makes it possible to achieve our goals. Routine and preventative maintenance augment the long-range plans to assure that the equipment operates as it is designed to and when it's needed, Stiff said. Unit 1's previous record of 292 days

was set in 2004. Unit 2's all time record occurred earlier this year when it ran continuously for 264 days.

Wayne Koessl:

Thank you, Jean. I thought that would be informational.

4. CONSIDER THE MINUTES OF AUGUST 14, 2006 PLAN COMMISSION MEETING.

Tom Terwall:

One correction has been brought to my attention. According to the minutes it states that both Larry Zarletti and Judy Juliana were excused. However, in the minutes somebody using Larry's name both spoke and seconded a motion. So I have to assume that Mr. Zarletti was here, and I know for a fact that Ms. Juliana was here, so how the minutes reflected that they weren't here is beyond me. Were you?

Wayne Koessl:

I was excused on that date.

Larry Zarletti:

And on the record I asked to be excused at 6:30 that meeting but the meeting ended before 6:30.

Tom Terwall:

Motion to approve as corrected?

Mike Serpe:

So moved.

John Braig:

Second.

Tom Terwall:

MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO ADOPT THE MINUTES OF AUGUST 14, 2006 AS CORRECTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS.

Tom Terwall:

If you're here for Items A through C, since those are items for public hearing we would ask that your comments be held until the public hearing is held so we can include your comments as part of the official record. However, if you're here for Item D or you're here for an item that's not on the agenda now would be your opportunity to speak. We would ask that you step to the microphone and begin by giving us your name and address.

Jim Concannon:

Thank you. My name is Jim Concannon. I'm at 4081 96th Street. I'm here for Item D. I'd respectfully ask for you to consider by request. I believe everything is order, and I'd be happy to answer any questions.

Tom Terwall:

Thank you. Any other citizens' comments? Any other citizens' comments?

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT at the request of Michael McTernan, representing Prime Outlets at Pleasant Prairie LLC, owner, 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:

Tom, I would suggest that in the absence of one of the Commission members that one of the alternates be seated.

Jean Werbie:

First alternate is Judy.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a public hearing for a zoning text amendment at the request of Michael McTernan representing Prime Outlets of Pleasant Prairie LLC, owner, to amend Chapter 420 Attachment 3 Appendix C Specific Development Plans of the Village Zoning Ordinance pertaining to and amending a 2002 Prime Outlet at Pleasant Prairie Planned Unit Development Ordinance.

As background information, on July 24, 2006, the Plan Commission unanimously recommended that the Village Board approve the Zoning Text Amendment that primarily addresses signage

within Prime Outlets, with the caveat that Prime and the Village work together to finalize the Ordinance language details pertaining to the Directory Signs with Vending and the Portable Display Stand Signs.

As the Commission will recall, Prime Outlets is requesting a Zoning Text Amendment to amend Chapter 420 Attachment 3 Appendix C Specific Development Plans. With the construction of Phase V of Prime, it is necessary to amend the 2002 Prime PUD due to the introduction of different sign styles, locations and opportunities throughout the entire Prime development. The Zoning Text Amendment is for specific modifications to the existing ordinance language of the 2002 Prime PUD to allow for the flexibility in the location, size and number of signs required for the large Prime retail commercial development.

Specifically, the amendments to the 2002 Prime Outlets PUD ordinance allow for the relaxation of some of the Village Sign Ordinance requirements in order to ensure a unified, cohesive and prosperous commercial development. In return, through this PUD Ordinance, Prime is affording both the Village and the Kenosha Area Convention & Visitors Bureau on-site signage opportunities within Prime Outlets to solely advertise community-related events and/or public service announcements that do not directly compete with Prime.

Prime, the Kenosha Area Convention & Visitors Bureau and the Village staff have come to an agreement regarding the Ordinance language for these signs as it pertains to the Pleasant Prairie or the Visitors Bureau's use of these signs. On the slide you can see the first type of sign that we had talked about. It's really called a vending or directory sign. As set forth in the staff memo, it sets forth that Prime is granting the Village and the Kenosha Area Convention & Visitors Bureau the opportunity to use up to five of these different directory signs at no leasing charge to the community or to the Bureau. And it also states that there's some regulations with respect to the time frame for keeping these signs updated and current and who is going to be responsible for maintenance and the cost of these signs. Prime is under no obligation to install any of the signs for the Convention & Visitors Bureau or for the Village. The key for us was that we wanted to have at least one of these signs in each of the phases if they were constructed.

The second sign that we were talking about is the portable display signs. Again, the purpose of these signs is to post local and national promotional events for Prime Outlets and Prime Retail, as well as to sponsor promotional events sponsored by the Kenosha Area Convention & Visitors Bureau in the Village. Again, these are much smaller signs and they're placed sporadically throughout the center. In fact, the original ordinance identifies that 30 of these such signs would be allowed or 60 total sides. So with this language it will allow for the Village or the Convention & Visitors Bureau to have exclusive use of no more than ten sides of these signs. So we did make one minor revision this afternoon to clarify that up to ten signs would be permitted for this purpose. Again, there would be no leasing costs to either the Bureau or to the Village, but these signs would be placed throughout the center out there for promotional purposes. This is a matter for public hearing, and I see that there is a representative for Prime in the audience.

Michael McTernan:

Attorney John Michael McTernan, 6633 Green Bay Road on behalf of Prime Retail. As Mr. Terwall had stated, we would be able to sit down with staff and work out the language that we had told you and given some time we'd be able to resolve that and we did just that. So I appreciate your support. Again, working with staff is always a pleasure. We always find a way to get things done. Thank you very much.

Tom Terwall:

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

Mike Serpe:

Two weeks I had an opportunity, my wife and I, to go shopping at the new center. I'll tell you that is an asset to this community like you would not believe. It's just going to get nicer. I have no reason to believe that this will not just add to that appearance. I would move approval.

Wayne Koessl:

I'll second it.

Tom Terwall:

A MOTION BY MIKE SERPE AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD.

Wayne Koessl:

If I may through the Chair I think the staff did an excellent job in negotiating and they should be commended.

Tom Terwall:

I would agree.

Jean Werbie:

Thank you.

Tom Terwall:

Hearing no further comments, all in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Sections 420-119 B (2) and 420-119 D (2) (u) of the Village Zoning Ordinance to allow restaurants with outdoor seating as a permitted use within the B-2, Community Business District.

Jean Werbie:

Mr. Chairman and members of the Commission, you have before you a consideration for a zoning text amendment to amend Sections 420-119 B(2) and 420-119 D (2) (u) of the Village Zoning Ordinance to allow restaurants to have outdoor seating as a permitted use within the B-2, Community Business District.

On July 24, 2006, the Plan Commission approved resolution #06-15 to initiate a zoning text amendment to re-examine the uses in the B-2, Community Commercial Business District; in particular outdoor seating for restaurants as a permitted use rather than a conditional use.

The B-2 Community Business District is intended to provide for a cluster of retail, service and office uses of a type and at a scale designed to serve the entire community. B-2 Districts are located at the intersection of two arterial streets or highways and shall be at least five acres in size. Based on the Village's Land Use Plan the following areas are identified as Community Commercial Areas. As you can see on the slide, we've got several of them, about ten that are located through the community. There's quite a few of them actually on 75th Street at various intersections, at 104th Avenue, 88th Avenue, Green Bay Road and Cooper Road. We have another site at Highway 31 and Bain Station Road, the Dabbs Farm Drive and Green Bay Road intersection, 104th Street and Green Bay Road, Springbrook Road and 39th Avenue, 91st Street and Sheridan Road and 128th Street and Sheridan Road.

At the time that the Business Districts were updated in 2002, outdoor seating associated with a restaurant was allowed with approval of a conditional use permit in the B-1, Neighborhood Business District, the B-2 and the B-3 Districts. On October 3 2005, the Village Board approved Ordinance #05-43 to allow outdoor seating associated with a Restaurant as a permitted use in the B-3, Regional Retail District.

A number of existing and proposed restaurants have inquired about providing outdoor seating. Recently, the Plan Commission approved a Conditional Use Permit on July 24, 2006 to allow Pepper King, located in Prairie Ridge Market Place, to have outdoor seating. The amendment proposes to allow outdoor seating associated with a restaurant as a permitted use in the B-2 District. Therefore the only types of restaurants in the B-2 District that require a conditional use are those with a dedicated brewing facility or those with a drive-through facility. If a restaurant serves alcoholic beverages, and proposes to do so in an outdoor seating area, a liquor license is required to be approved by the Village Board.

The Village will still have the opportunity to review these types of uses in that the requests for outdoor seating are evaluated by the Village staff and Plan Commission during the Site and Operational Plan review process. The Village staff felt that this was redundant to require them to come through a separate public hearing process after their site and operational plan was approved by the Village, so we felt that this would be an opportunity to streamline the section of the ordinance and still evaluate the request at the time that the original proposal came to the Village. With that, I'd like to continue the public hearing.

Tom Terwall:

Jean, before I open it, if a restaurant already existed and had not requested outdoor seating at the time the site and operational plan came, got into operation and then requested outdoor seating would that require an amendment to the site and operational plan?

Jean Werbie:

It would, but it typically would be at the staff level that it would be done. Again, if it's a restaurant that serves alcohol then they would have to go through the Village Board through an amendment to allow for outdoor seating or to extend that liquor license outside. So there are different ways that we can evaluate the process with the petitioner when they come forward.

Tom Terwall:

Thank you. This is a matter for public hearing. Is there anybody wishing to speak? Anybody wishing to speak? Open it up to comments and questions.

John Braig:

Just a clarification. You have a list of the community commercial areas in what you just presented. They are more specifically defined in the Village Land Use Plan. I mean there's no ambiguity or concern as to what the boundaries of one of these areas is? They are identified in the plan already?

Jean Werbie:

They're actually identified on the zoning maps and the specific areas are on the zoning maps by parcel. Our specific Land Use Plan map does reflect on a parcel by parcel basis where the community business district areas are as well as part of a land use designation. So they are reflected very specifically on two different documents.

John Braig:

Good enough. Thank you.

Mike Serpe:

Jean, when it comes to the serving of alcohol outdoors is that an off premise permit, or do they have to reidentify their licensing area?

Jean Werbie:

I believe that's an outdoor extension. We have a number of them in the Village right now that the property description or the premise description on the application they need to specifically identify where the alcohol is being served. I guess I would need to refer to the Clerk to find out if they would have to get an amendment to the original permit or if it would be covered, but I believe it has to be described as part of their description or they would have to come and amend their application.

Tom Terwall:

If they want to make that change during the year they do have to come back. We had it when there was a tavern or bar at the corner of 47th Avenue and Highway 50. I think it's the old bakery at this point. But when he wanted to open a bar in the lower level, he had to come in and renew his license. When Bohat's, which preceded Hussey's, wanted that to alcohol outdoors he had to modify his license as well.

Mike Serpe:

I understand that. The reason I'm getting to that is I think you have to have a fenced area or some type of barrier that would identify just how far that permit will allow alcohol to be served.

Jean Werbie:

That's correct. There's actually a provision in the liquor license regulations in the Village's Municipal Code that addresses fencing.

Tom Terwall:

Anything further? If not, a motion is in order.

Larry Zarletti:

Move approval.

Judy Juliana:

Second.

Tom Terwall:

MOTION BY LARRY ZARLETTI AND A SECOND BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THIS ZONING TEXT 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. For the record, and I apologize for not mentioning this sooner, but you did get on the record that Commissioner Hackbarth appeared did you not? Thank you.

C. PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #06-17 to amend the Village Comprehensive Plan. Specifically, the

request is to amend the Park and Open Space Plan 2006-2011 to include a park plan for Carol Beach Estates Unit W Neighborhood Park.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, you have before you Resolution #06-17. This is a request to amend the Village's Comprehensive Plan. The Village Plan Commission has the duty and function pursuant to Section 62.23(2) of the Wisconsin Statutes to make and adopt a master plan or any portions thereof for the development of the Village of Pleasant Prairie. As you know, the original Comprehensive Plan for the Village was adopted in 1995 and we have had several amendments since that point.

The Village Park Commission has been working very diligently over the last year and a half to update the Village's Park and Open Space Plan. And in particular part of that Park and Open Space Plan was not adopted by the Plan Commission this past spring but rather was held over for some additional research and comments by the neighborhood and by their own Commission. This particular area was identified as Carol Beach Estates Unit W Park which is a neighborhood park that was proposed as part of their 2006-2011 Park and Open Space Plan.

The Park Commission has held a number of meetings and with their last public meeting they had identified some modifications to the Park and Open Space Plan and really reflected a change to show it more of a passive area park north of 5th Avenue and 90th Street just to the west of Carol Beach Estates Unit W. As you know, this is the site of the former Towne Club property, and since several years have gone by now since it's been razed, it's actually been sitting vacant and a number of the buildings and areas have been razed on the property. But after discussions with the neighbors and the Park Commission they've identified this could be a potential for a very passive recreational neighborhood park for this particular area.

So this is a public hearing this evening for the Village Plan Commission to consider whether or not to adopt the Carol Beach Estates Unit W park as presented this evening as Exhibit 1 in your packets of information. The other thing I do want to mention as part of the public hearing is that I did receive a letter from the landowner. His name is Ralph Gesualdo. He wanted to go on record that he is not opposed to his land being identified for neighborhood park purposes, however it has always been a long idea or dream of his to develop this area as a residential property some day. He's not discounting the fact if given the proper offer that this land could be developed for park, but he wanted to just go on record that also if it moves forward in the process could develop it for single family development.

At this point the property is zoned PR-1, which is Park and Recreation, but he indicated that if he did change his mind and he wanted to develop it he would seek another type of zoning for residential purposes on the property. So I'm not sure if he's able to be here this evening. I don't see him in the audience, but I told him just to send a letter for the record so that it was put into the file. With that I'd like to continue the public hearing.

Tom Terwall:

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

Len Brandrup:

Len Brandrup, 8816 3rd Avenue. We want to thank you as a neighborhood for bringing this forward for consideration. You almost got it right but we still have some challenges to the group before you adopt it and I would suggest some amendments. We're somewhat concerned with the fairly large cul-de-sac parking combination in the particular location. My perception is that it would be better served if you tried to prior to the Towne Club property edge move a cul-de-sac to the left on the property the Village currently owns. We're certainly comfortable and understand the desire on the part of the Village to include a tot park in the area. I only speak for myself and some of my neighbors' perceptions that I've talked to don't believe they want the tot park specifically at all.

But having said that we're very concerned specifically where it's located onto the property. I think two things happen. With the size of that parking area significant potential security concerns exist. One of the reasons that the Village erected the fencing at the end of the street that the Village has currently with the property line is because the old parking area was being used as a roustabout by people, the kids that wanted to see how far they could grow gravel and they've been pretty successful at it with their spins and their turns in the area. We've also had a number of activities and considerable garbage that was dumped that the neighbors actually were taking it upon themselves to remove. So it turned into a bit of a problem. I think we're just reinventing the problem with the design that we see before yourself this evening.

The second thing that I would say is I'm not sure if your staff has yet investigated the purchase of the property with Conservancy dollars. But my understanding, and I may be incorrect in my understanding, but if any of the property is developed and not the whole property put into a conservancy type of a setting which means no development on that section of the property that you may lose or forego the opportunity to find that grant. There is a potential I think for dollars out there. Everybody is going to quibble eventually for the value of the property. I think that Jean has reflected correctly that the owner wants considerably more than the appraised property value would be, so there's going to be a negotiating process you'll go through as a Village. But I would encourage you to at least seek \$300,000 to \$400,000 in Conservancy opportunities, and I think you forego that with any development on the Towne Club site itself. So I'm encouraging you to look at the property we own currently which is to the south of the Towne Club site.

Having said that I want to thank you for moving this forward, getting it on the agenda and getting it officially designated as a part of it. I would encourage you to amend your thoughts accordingly. Thank you for your time this evening.

Tom Terwall:

Thank you. Is there anybody else wishing to speak?

Sara Drenthee:

I'm Sara Drenthee and I live at 8921 5th Avenue. I also echo the gentleman that came before me. I do think that what you have proposed for the most part is a very good compromise. I know there were a lot of voices heard at the last meeting. My concern is not unlike his in terms of perhaps the cul-de-sac and my street in general. My street is a very narrow street, and I wondered if perhaps some consideration that might solve the problem as we go forward with the tot park and the passive park would be to designate 5th Avenue a no parking street, as well as the cul-de-sac being no parking except for Village because Village snowmobiles and things do indeed have

to use that turnaround. If that would not eliminate what could be a potential problem. It would be a walk to or a bike to type of park. I think that really would be something that would maybe take this whole thing out of the vein of having lots of people park there and drive there and do things for which the park wasn't necessarily intended. Again, I would ask for some consideration on that. Thank you very much.

Tom Terwall:

Anybody else?

Frank Hartle:

Good evening everyone. Frank Hartle. I live at 8911 5th Avenue. I agree with my neighbor and colleague. We're very concerned about 5th Avenue being a parking area on a very narrow street. We're concerned about vehicular traffic, particularly perhaps after hours traffic going down through the cul-de-sac and not coming back through. Directly across from us is the south property, and any development on that property would put development approximately 20 yards off our front door. So the proposal here for a tot lot where it is presently located is in my estimation a very good compromise because it puts that at least 100 yards from any house and away from anyone's immediate view.

The cul-de-sac as it is proposed here does appear to be large permitting a lot of parking. And if this, indeed, is a neighborhood park, neighborhood parks many times are walk tos or bike tos for the immediately neighborhood and that might be a consideration that could avoid a lot of problems in the future with particularly perhaps teenage drivers coming in there after hours or whatever and parking and so on. I'm not opposed to having a tot lot. I'm not opposed to this area being developed with that very passively. I think many, many people would love to see this just restored to conservancy and be done with it in that fashion as minimal as possible.

But it's a good compromise particularly with the location of the tot park which puts it out of view and way from the immediate properties. We would appreciate consideration being for folks that live directly right there where it literally is less than the length of this room for either the tot lot as it was proposed in the south property or the cul-de-sac being on that immediate property. Appreciate any consideration. Thank you.

Tom Terwall:

Thank you. Anybody else?

William Owen:

William Owen, 8830 3rd Avenue. I lived on that property for 33 years so I've experienced the problems with parking back there. I'd just like to say that I understand the need for a cul-de-sac because you have to turn the plows around and the garbage trucks and the mail and so forth, but to have parking along that cul-de-sac would create more problems and we've seen those problems over the years. So if you just have the turnaround without the parking that would be a real improvement. If you need parking do the parking off of 90th Street where everybody can see them, where there's traffic, where they can pull in there and then they could walk to the tot park if they have to. I just want to express my interest in not having parking back there. Thank you.

Tom Terwall:

Anybody else?

Rick Frederick:

My name is Rick Frederick, 8808 3rd Avenue. It's interesting when we listen to some of the people talk about compromise and I go back to the last two meetings when we've been discussing a proposal for or against the tot park. We had 17 people and three people spoke in favor of a tot park at the meeting before last. At the last meeting we had two people and there were 18 people who spoke against the tot park. The concerns that we have or that I have and several of my neighbors have is that that area between 7th Avenue and the railroad tracks with any type of development that's going to go on is going to be a magnet to cross over from our neighbors who live in the mobile home developments across the way. I don't care how big it is or how small it is, it's still going to be a magnet.

I also am concerned when we talk about conservancy, and Len mentioned it. I did some checking with the Department of Natural Resources and at the last meeting I believe it was going to be zoned conservancy. If that's the case there cannot be any development on it according to the DNR. That means that you're going to have to leave it as a passive park, one which can be used by people enjoying nature.

Number three, according to the size of the turnaround and parking area that we were talking about, whether it's a compromise or not, it's an enormous area. I don't know what the size of a "small tot park" is, but when I saw the plans it certainly didn't look small to me. Also, when I think of a covered sitting area that is on that proposal, I think there were in my estimation nine picnic benches that were going to be in the small covered area. I really don't think there is any need at this point in time to look at a tot park, much less anything more than a turnaround. Thank you.

Tom Terwall:

Anybody else?

Bill White:

Bill White, 8822 3rd Avenue. We've now got four houses in a row on the east side of the turnaround. At the risk of being redundant, I have lived in that area for 29 years. Frankly, the activities before you put the barriers up when that was a parking lot were more than just spinning wheels and stones or drug paraphernalia and other items that I won't mention. But it's a security issue, a significant security issue because it's not really visible from anywhere. It's not visible from 7th Avenue, it's not visible from 90th. It's really only visible to the people on 5th Avenue and those of us that our backyards back up on 3rd Avenue. I do agree with what Bill Owen indicated that if there is parking needed 90th Street isn't bad. Everything south of there is wetlands across the street. I would even suggest at the risk of not being anti-tots, I like kids, but there could be a tot park placed somewhere on the existing property that's owned by the Village that would not interfere with neighbors on 5th, it would be somewhere in a more isolated area accessible from either 90th or 7th Avenue. Thank you very much.

Tom Terwall:

Anybody else? Anybody else? Anybody else wishing to speak? Hearing none, before I open it up to comments from Commissioners and staff, I'm going to ask staff if they have any comments they want to make regarding the public hearing.

Jean Werbie:

I do have some comments. I was not one of the staff members that laid this particular park out. This was done by the Park Commission and the Park Superintendent and the staff over at the Prange Center. First of all, any of the Village's roads that terminate in a dead end should have a cul-de-sac turnaround on them. We do have specific dimensions and requirements and one of the sizes what we need if we want to be able to facilitate the turnaround movements of fire trucks, snowplows, garbage trucks, whatever. I don't know that any of this plan identifies for a large parking lot. I don't see any parking lot on here at all, but the turnaround is needed of some type in order for Village vehicles to be able to turn around, whether it's a larger vehicle or a smaller vehicle.

With respect to conservancy options, there were some detailed wetland stakings done on the property a number of years ago. The exact extent of wetlands I can't tell you until they do another wetland staking, but the land that is not wetland would not necessarily be put into a conservancy designation. That's something that would have to be looked at. I know that John Steinbrink, Jr. is looking at stewardship grants and different types of grants, and there's grants for preservation and there's grants for trails and there's one for park development and acquisition. There are different types of grants through the LAWCON funds that he can apply for both State and federally. So depending on what is proposed here those would be the different type of grant monies that they would go after.

The other thing that I'd like to mention is the property that's to the south that's already owned by the Village the majority of that is or was defined as wetlands. Again, we can do a delineation to find out if there is any upland area that we could create a tot lot, but if it's wetland designated we will not be able to put anything there. That's why I think they decided to shift this further to the north.

With respect to a tot lot, as a parent of two if I had to walk all the way through this subdivision and then another 500 feet north if I had two kids and a stroller I don't know that I'd even go to this tot park because it just would be very inconvenient. Maybe that's not who they're trying to attract, but then I don't think there should be a tot lot there, because there's only so far you're going to go with little ones and try to keep them under your control. And if you can't park your car anywhere near that and be able to run back to the car and get something to attend to them, it's not going to be very efficient or effective. That's coming from a mother as opposed to a planner, but if it's not efficient and it's not close by and I can't see the kids it's not going to be a place that I'm going to bring my children to. So that's something we need to think about if we're going to allow a parent who lives in Unit W on the lake and they want to bring their children there they might not walk a half a mile to get there with two kids and a stroller. So that's something to think about.

With respect to parking on 5th Avenue I would agree 5th Avenue is probably very narrow in some spots and it does not make it very desirable for parking. We should do something about that. That's kind of a detail that we would not necessarily show on such a broad scope to plan such as this. But if, in fact, the Village does decide to go ahead and purchase this or acquire it or it does

get developed for park purposes, I think parking does really need to be addressed and how people can get to it and where they could park without causing an inconvenience to anyone who lives on 5th Avenue.

With respect to it being designated as a neighborhood park, the intention is anybody who lives in that proximity should be able to use it, not just the folks that are immediately adjacent. One of the things I think the Park Commission went after was to try to find something somewhere that was close enough to this area that kids could go or people could walk or you could take the trail system or view the nature, and if that's not in the plans for the Park Commission, the Plan Commission and the Village Board, then maybe this is not a desirable location.

Again, the other option is if the landowner chooses not to work with the Village and wants to develop this property he has that right to petition for a change in land use designation, zoning, and to extend sanitary sewer and to develop it. There is a possibility that it could be developed, for example, for single family. We were just taking a look at it and you could lay out single family lots in that particular area. Then it would certainly change the character. It would probably not result in any problems such as the vandalism or loitering and things like that with single family homes there, but it certainly would change the character and it would no longer be an open space, passive, outdoor recreation area that would be open to the public. So there's lots of things to think about. I know that the Park Commission has been working on this for a long time. I don't see any of them here tonight, but I'm sure they'd be willing to comment on any of those things. That's what I've heard from them.

Judy Juliana:

It was my understanding that this was only supposed to be a concept park plan. Are we dealing with a concept? What I'm hearing from you is that this is the plan and I'm a bit confused. Is this a concept we're approving or are we approving the actual park layout?

Jean Werbie:

This is an amendment to the Village's master plan so it's a master concept for this particular area. If, in fact, the Village moves forward, a more detailed look at the specific uses in the property and where to put the cul-de-sac in if that is done and where to put the tot lot and specifically how many picnic benches or where the lighting should be and where the signage should be that will be done with a detailed concept plan at some point in the future where it's been identified for acquisition.

Judy Juliana:

So then it would come back to us.

Jean Werbie:

It will go to the Park Commission first and then the Plan Commission and the Board.

Judy Juliana:

To give final approval on it to send it up to the Village Board?

Jean Werbie:

Right.

Don Hackbarth:

If I lived in that area and there was a covered area with nine tables in it I would use it quite frequently myself for picnics and birthdays and whatever. I think it's an ideal location. The other thing is didn't this thing start out with really a dense recreational area?

Jean Werbie:

Yes.

Don Hackbarth:

So we've come down to this now and now we're asking to put this into conservancy so nobody uses it. That's what some of the people are saying. Gee, I don't know how far we want to go on that issue because that was designated by the Parks Commission for a park area. So somewhere we've got to make a decision I think and call it something. We have to make a decision here tonight I think.

Mike Serpe:

I have to agree with you, Don. To the people who have lived next to the Towne Club they have endured a whole lot for a long period of time. The last thing I'd want to see is for this Commission or the Board or the Park Commission to create a situation where they would have to live that all over again and I don't think that's ever going to happen. I have a couple of thoughts here. This plan came to us tonight as a result of the Park Commission meeting with the neighbors. Am I correct in that?

Jean Werbie:

Yes.

Mike Serpe:

Did we miss something? Did the Park Commission miss something here that was discussed at the Park Commission? I think what Don said is pretty accurate that some people are saying we got down to this point and all of a sudden we want conservancy only. I don't know if that's going to fly or not. I almost hate to even think of sending it back to the Park Commission for one more kick at the cat, but there's too many differences of opinion as to what should be happening with this parcel and I thought it's coming to us tonight almost in a pretty much finished form but I guess I was mistaken.

Judy Juliana:

I was at the last Park meeting and this is almost what everybody had wanted. There was a group of us that did not want to have a sitting area or a tot park. I can understand everybody's concern about the parking. I can understand the tot park and the seating. We've all been there. We know

what can happen. But I think at this point the Park Commission really did strive to take everybody's concerns into consideration in putting this together. I think what we have to keep in mind is that this is just the concept and this is not final. If we don't do something tonight to designate this as a park with the concept I think we're only going to be hurting the neighborhood in the long run.

John Braig:

I don't mean this to be argumentative in any way, more or less a reflection on the fact. But from what I'm hearing it sounds as though this was thought out and we had input from a fairly large number of people. And tonight we're hearing some objections to it. Without making a big issue of it it's from those people that are going to be directly affected because of their proximity to the park. If there's a great majority that would benefit from this park, then I think we have to proceed with it. I can't say for this point that I've got really a good feeling for how many people would want and use this park as a tot park or those kinds of purposes as opposed to those that have an objection to it. So in that regard I'd like to get a little more information.

I've got a couple other points. I'm familiar with Merrill Park in the City of Waukesha. The grandkids live there. It's a beautiful park. It has a pavilion, half a dozen picnic tables, restrooms, very elaborate climbing exercise thing. I rarely ever see a car parked there. I think the parking issue here is not so much the parking for people using the tot park. I just don't think that's a factor. I think the problem that we have, and I almost think a tot park would improve it, but the problem we have is there are vehicles that park there for purposes other than using it as a park. They're using it as a place to hide away from. My thought is if a park was developed, neat and clean, chances are there would be less of this extraneous parking at something like that.

I do recognize that when something is private property with an absentee landlord people tend to assume I wouldn't say ownership but the use of the thing. If it becomes designated as private property that's developing then obviously you've got somebody in residence there and you won't have that problem. Or, if it was something under the Village's control maybe we wouldn't have that kind of a parking problem. I don't know.

But at this point I'd hate to commit the Village to this plan because, among other things, I've got a feeling that if we zone this as parkland it really isn't a commitment but we're more or less indicating to the owner that we are going to try and buy that land and we haven't got any estimate of what the cost is but it obviously is probably going to be a heck of a lot more than swamp land. So you could be dealing with quite a cost there. I'd just like to know if the residents in Carol Beach really want this park. It's the Village's obligation to provide it and yet we don't want to ram it down their throat.

Larry Zarletti:

I'm sure a lot of work went into this by the Parks Commission. I love children and I think we should have tot parks. It's a wonderful thing to have. I know that when a business meets all the requirements that the Village puts on it or when builder meets all requirements or an individual that wants to build a house meets all the requirements I feel as a Commission member compelled to vote in favor of those things. This is a project that's being brought by the Village. I have to concur with my colleague about why do we want to force something on Village residents. Now, having said that, I'm sure that the Park Commission didn't get a majority of people saying no and then brought this forward. I'm sure that they got support from it. But if one or two

people come forward I think anywhere you try to put a park you're going to get a couple people that are concerned about it, but tonight is more than a couple people. I'm concerned that those folks that are here tonight are depending on us to be their voice, are depending on us to say if you lived there would you want this to be happening? So I don't get the feeling from them that they don't like children or not in my neighborhood so to speak, but again this is not something that we are put in a box to do like I said about businesses or building a home. When people bring that stuff here and they followed all the rules I think we have an obligation to say, okay, you followed the rules and we'll stick with you.

But when I hear from as many residents as I heard from tonight, and I don't necessarily agree with every single thing they said, but I agree with their right to have a strong voice in whether or not this tot park is there. I will not be supporting this tonight.

Tom Terwall:

A couple comments. With regard to the cul-de-sac, if any development is going to occur there, and I don't care if it's a park or a single family development the cul-de-sac is going to go in. Ever since we had the snowplowing fatality on 49th Avenue north of Highway 50 it's been a hard and fast rule of both the highway department and the Village Board that there will be no more roads extended like that without a cul-de-sac at the end of them so the snowplow can turn around to get back out of there. So if you're thinking no cul-de-sac I would say you could forget that idea.

John Braig:

Let me jump in on that, Tom, working for the utility. A great, great majority of our vehicle accidents were backing accidents and we always did what we could to eliminate backing wherever possible.

Tom Terwall:

Now, with respect to a cul-de-sac that doesn't necessarily mean that you have to allow parking. I have no problem at all saying we can ban parking and the cul-de-sac is only there for turnaround purposes. But I'm concerned that the people that live the closest to this are opposed to this. I don't know how many of the folks who spoke tonight lived there when the Towne Club was there but there were plenty of problems in those days and it didn't get any better when the Towne Club closed. I'm wondering, Jean, if he were to develop that for single family residential, is sewer and water adjacent to that property?

Jean Werbie:

No. Sanitary sewer is at 90th and Sheridan and would need to be extended so there's a cost along with a lift station for that sanitary sewer. So he'd be extending it down 90th and up 5th Avenue or he would be boring it underneath the wetlands from 7th Avenue into the development.

John Braig:

Did you say 90th and Sheridan?

Jean Werbie:

I meant 90th Street and 7th Avenue. And municipal water is at the end of 5th Avenue so that would need to be extended to the north so there would be some cost involved for the extension of municipal services. But he could get seven or eight single family home lots out of the development.

Tom Terwall:

I suspect what he's doing is in his letter he states that he's willing to sell as long as the price is based on its best use. Well, its best use is going to be single family residential. That's where the most money comes in. But if you subtract the cost of putting in sewer and water it may not be such a good deal. I'm not so sure he's expecting to foot the bill for that.

Mike Serpe:

If we're going to talk about not putting a tot park in or putting no parking on the cul-de-sac, then there's no reason to even put the tot park in. There would be nobody using it because you just can't get to it. This isn't going to develop in the next near future because the money's not there. Even if we were to get a grant for it there's still hurdles that have to be crossed with reference to purchasing property from the owner that wants to develop it possibly. But I think if we put this into a not so much as accept the plan but to identify this as the park area, to go ahead with the purchases, we can still put the cul-de-sac in, we can put the trails in, at some time in the future if somebody wants to put a tot park in that can be done at some point in the future. We have the land for it. It's already been taken care of. The cul-de-sac is in and if the neighbors say it's time and I think it could work we can look at it then. There's nothing wrong with us going forward to get to that point.

Wayne Koessler:

Mr. Chairman, as we've said and some of the members there's been a lot of input into this project by the Park Commission and the staff. They've worked with the neighbors. This is not the final for this plan tonight. It's just a step forward with it. I would think the Village would have to apply for grants to try to get the money to buy that land and also to develop it. I think this is a step forward for us in that area and I would propose that we would support it. If there aren't any more comments from the Commissioners I would move that we recommend Resolution 06-17 as presented.

Mike Serpe:

I'll second it if we can continue some dialogue here.

Tom Terwall:

Just to clarify, this is not an item that goes to the Village Board. If it passes here, this is not a recommendation, it's an approval. So the motion is to approve.

Mike Serpe:

Not to be redundant here about what I had just spoken of earlier, but this isn't going to happen any time soon. I think the concerns right now that we're hearing from the people on 5th and next to the old Towne Club are as what happened the last number of years and that was not good. I think what Larry said tonight is correct. If the people that took the time to come to this meeting and everybody was noticed are so much against that tot park taking place, and if the cul-de-sac does go in and they want the no parking I think we can do both of those things in approving this. The tot park can go in anytime in the future. But right now I think if the cul-de-sac goes in and pathways and I do believe in the pavilion and I think that would be an asset to the neighbors and the neighborhood for picnics and gatherings, but the tot park doesn't have to go in right now and the cul-de-sac could be placed with no parking.

Judy Juliana:

My comment is that we are approving the park, we're not approving the details. I live in the neighborhood. I agree with my neighbors. We have to get this in the park plan so we can go forward on acquiring the property. I think that should be our major concern at this point is to approve this so we can get the property, get it zoned and keep it as park. When it comes up to the Park Commission for details if and when in the future to put in the tot park or a covered sitting area, then us as neighbors we can go back to the Park Commission and voice it again and have them change it. But I think it really behooves us to get this approved tonight to go forward. We're not approving these details. These are just suggestions at this point so I'm in favor of approving this resolution to get the ball rolling so we can start to acquire the property.

Larry Zarletti:

First, I failed to mention in my comments that I totally agree with Jean that if your parking is going to be a substantial distance from the tot park it's ridiculous because the parents aren't going to do that. I'm thinking that once this is approved at this level it's going to move it to the next level with the idea that we're in favor of what's been proposed tonight and I still can't support that.

Don Hackbarth:

I've got a question. I don't want to belabor this thing, but is the blacktop from the Rec Center or the tennis court out there still there?

Jean Werbie:

I think so. Yes, it is.

John Braig:

I was on the site earlier this year and as I recall there was black top there yet.

Don Hackbarth:

I don't know if we can have the owner do something to take that out and put it back in a natural state, bingo, that would probably end the fooling around back there and that may eliminate or

alleviate some of the residents concerns. There wouldn't be that area. It would really eliminate the fooling around and horsing around. If you've got a flat blacktop area that's unattended you're going to draw trouble there. You're going to draw garbage. You're going to draw stuff there because people have a natural place to congregate. If it's somehow brought back into a natural state with grass and whatever, I'll guarantee you it would definitely discourage anybody going back there.

Mike Serpe:

Don, you're going 500 feet north with a snow plow with no turnaround.

Don Hackbarth:

No, I'm just saying where the existing rec area was. Is there blacktop still existing there where kids can come on and horse around?

Mike Serpe:

I'm sorry. I see what you're saying.

Don Hackbarth:

And I'm saying if we can somehow mandate or get that blacktop out of there and return it to a natural state. I don't know if kids play on any other area of that property, but I think by having blacktop there they love to play there.

Jean Werbie:

What I wanted to point out is there are four different amenities that I see on this particular plan one of which is the turnaround. The second is the sitting area. The third is the tot lot. And the fourth is the trail. I know that John, Jr. has applied elsewhere in the Village for funds for creating trails, and he just got a grant awarded to do trails, so I know that there's funding available for trails. With respect to the other items I'm not sure. But the purpose of this plan even though it's very general, if it's shown on the plan then he's got something to use in his grant application. So if it's not the intention to have a tot lot or a sitting area, then we take it off. If a possibility then we want to leave it on because it will get more refined as we define what we want to put there. So if we approve this plan note that there are four elements on this plan that are intended to be put there that could create more activity there. And if you don't want those items there then we should identify that. Again, as this moves forward this is going into the master plan and a detailed park plan will need to be developed which specifically looks at just this park and how it could be developed for public purposes.

John Braig:

And would that plan be brought before this group?

Jean Werbie:

It will go to the Park Commission first and they will put together the detailed plan. Then it will come to the Plan Commission and the Village Board as part of a site and operational plan procedure. The Board will need to act on the final adoption if we're spending any public funds.

John Braig:

What I see here is it seems as though we have to approve it to get the ball rolling, and in support of the people who are objecting to it we're not approving any details. They will have ample opportunity, assuming that the Park Commission develops the plan and brings it before us, they will have ample opportunity then to speak their peace and hopefully we'll get enough input. I have no problem approving this if this was all a conservancy area and the path was linked with the area up north of 85th Street, but at this stage of the game I just don't know what people want.

Tom Terwall:

At the risk of alienating myself from the Park Commission, I can't support it and I'm going to vote against it. In the first place, I'm not so sure that's a good location for a park. You're not going to have anybody coming from the west. You're not going to jump across the railroad tracks to get there. You're not going to have anybody coming from the south west of 3rd Avenue and you're not going to have anybody coming from the north west of 5th Avenue. So you're at the extreme western edge of an area that can be developed. I can understand why the people don't want a tot lot there, but I also couldn't support putting in a tot lot and saying you've got to walk to get there. That doesn't make sense to me.

John Braig:

What are the problems with locating the park north of 85th Street?

Jean Werbie:

I don't know that that's been looked at by the Park Commission. It certainly can be a suggestion.

John Braig:

No, not any more. Didn't they give the rest to The Nature Conservancy and didn't they give it to the DNR?

Jean Werbie:

Yes.

Wayne Koessl:

We had the pumping station and the water pipeline going to

John Braig:

The pipeline goes just about straight west of the pumping station, doesn't it?

Wayne Koessl:

Yes, and the rest of it went to the DNR and The Nature Conservancy. I don't think you'll ever get that taken out of their hands.

Tom Terwall:

I have one last comment. Until we have some feel for what this guy would be willing to sell this for, because in my mind he's going to want the equivalent of eight residential lots. It wasn't just a typo that he put in there highest and best use. You know what he's thinking about. And there's no way on God's earth you're going to grant for that kind of money. In my mind there's no way that the land is worth that kind of money. If they're going to create eight single family lots and pay to bring in the infrastructure you're looking at a whole lot of money. And before approving it I think we ought to find out exactly where this guy is coming from. If you're going to try and condemn it, you know exactly what he's going to do. Okay, let's go to court and it's going to be based on the highest and best use, and the highest and best use is residential.

Mike Serpe:

I just wonder if rather than us stepping between the neighbors in Carol Beach or us between the Park Commission, I wonder if it would be worth it just one more shot at the Park Commission for review? What are your thoughts on that?

Jean Werbie:

You have a motion and a second on the table right now so we'll need to vote on that first. Then secondly, if you decide not to approve it I would recommend that this matter be tabled until September 25th which is our next Plan Commission meeting in two weeks. We would invite the neighbors back and the Park Commission back and then we could have one final hearing on it.

John Braig:

But if we deny it at this point we can't table it anymore.

Mike Serpe:

We can pull the motion.

John Braig:

If the motion is brought before us and we deny it, how can you table it?

Mike Serpe:

I'll just withdraw the motion. I'll withdraw my second.

Wayne Koessl:

I will not withdraw my recommendation.

Tom Terwall:

Is there a second? Hearing none then the motion dies for lack of a second. We're back to square one.

John Braig:

I'll move we table the item.

Jean Werbie:

Until September 25th?

Mike Serpe:

Is that enough time?

Jean Werbie:

I will contact the Park Commission.

Jim Bandura:

I'll second.

Tom Terwall:

THERE'S BEEN A MOTION BY JOHN BRAIG AND A SECOND BY JIM BANDURA TO TABLE THE CAROL BEACH UNIT W PARK PLAN UNTIL THE NEXT PLAN COMMISSION MEETING ON SEPTEMBER 25TH. NO DISCUSSION IS ALLOWED ON A TABLE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

Larry Zarletti:

No.

Wayne Koessl:

No.

Tom Terwall:

Two no's. Motion carries.

D. Consider the request of James and Peggy Concannon for approval of a Lot Line Adjustment between the properties located at 9580 39th Avenue and 4081 96th Street.

Jean Werbie:

Mr. Chairman and members of the Commission, this is a request of James and Peggy Concannon for approval of a Lot Line Adjustment between the properties located at 9580 39th Avenue and 4081 96th Street.

The petitioner is requesting to adjust the lot lines between the adjacent property located at 9580 39th Avenue and identified as Tax Parcel Number 92-4-122-231-0060, owned by Walter Wirch Real Property Trust, and his property located at 4081 96th Street identified as Tax Parcel Number 92-4-122-231-0406, owned by James and Peggy Concannon Revocable Trust.

This proposed Lot Line Adjustment is to adjust a portion of the rear lot lines between the two parcels. The end result of the Lot Line Adjustment will be the transfer of 20,655 square feet, just about a half acre, from the 9580 39th Avenue property, and combine it to 4081 96th Street which is located in the Meadowdale Estates Subdivision.

The property located at 9580 39th Avenue is zoned R-2, Urban Single Family Residential District. The R-2 District requires lots to have a minimum frontage of 150 feet and a minimum lot area of 40,000 square feet. If the lot lines are adjusted this property will have 135 feet of frontage and 40,095 square feet or just under one acre.

The property located at 4081 96th Street is zoned R-3, Urban Single Family Residential District. The R-3 District requires lots to have a minimum frontage of 100 feet which can be reduced if on a curve or cul-de-sac to not less than 45 feet and a minimum lot area of 20,000 square feet. If the lot lines are adjusted this property will have 90.87 feet of frontage and be 58,297 square feet.

They are requesting this Lot Line Adjustment to create a larger outdoor backyard for family activities. The existing structures on the properties and the lots will remain conforming with the proposed Lot Line Adjustment and comply with the requirements set forth in the Village Zoning Ordinance and Land Division and Development Control Ordinance.

John Braig:

Move approval subject to conditions as outlined by staff.

Mike Serpe:

Second.

Tom Terwall:

MOTION BY JOHN BRAIG AND SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THIS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. THIS ISN'T A MATTER FOR PUBLIC HEARING?

Jean Werbie:

No, it's not, but Mr. Concannon had spoke under citizen comments if you had any questions and he'd be happy to answer them.

Tom Terwall:

Just for a point of clarification, if you look at that drawing up there, look at the three lots north of the Wirch's property. See where somebody built a huge metal butler building as close to their back lot line as they possibly could. I don't think they can even see it from their house. But if you go in Rich Schmidt's back yard you can sure see it from his house. That's one of the other things that would be accomplished by this. You'll eliminate the chance of somebody Motion and a second to approve. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. ADJOURN.

John Braig:

So moved.

Larry Zarletti:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

MEETING ADJOURNED AT 6:20 P.M.