

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
October 9, 2006**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on October 9, 2006. Those in attendance were Michael Serpe; Donald Hackbarth; Wayne Koessler; Jim Bandura; John Braig; and Judy Juliana. Thomas Terwall, Andrea Rode and Larry Zarletti were excused. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie, Community Development Director.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF SEPTEMBER 11, 2006 PLAN COMMISSION MEETING.**

Wayne Koessler:

I move that we approve them in their printed form as presented.

Judy Juliana:

Second.

Mike Serpe:

**MOTION BY WAYNE KOESSL, SECOND BY JUDY JULIANA TO APPROVE THE
SEPTEMBER 11TH MINUTES. ALL THOSE IN FAVOR SAY AYE.**

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

- 5. CITIZEN COMMENTS.**

Mike Serpe:

We have three items for public hearing. You can hold your comment if you have something to say on any one of those hearings. If you wish to speak about any other item that's not a public hearing or anything that you may want to discuss with the Plan Commission now would be your

opportunity to talk. Anybody wishing to speak? Anybody wishing to speak? Close the public hearing.

6. OLD BUSINESS

A. TABLED PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS on behalf of Ronald Zechel, agent for US Cellular, to construct a 125 foot high Commercial Communications Structure (monopole cellular tower) including 12 attached paneled antennae and an associated 12' x 20' equipment shelter within a leased area on the Christian Tobias Jensen IV property at 7703 Springbrook Road (CTH "ML").

Mike Serpe:

This is a tabled public hearing. The only thing we were waiting on would be the Fire Chief's reports.

Wayne Koessler:

Mr. Chairman, I move we take it off the table.

John Braig:

Second.

Mike Serpe:

MOTION MADE BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG THAT WE REMOVE THIS FROM THE TABLE. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

Jean Werbie:

Trustee Serpe and members of the Plan Commission, on September 25th the Plan Commission voted to table this item to allow for all of the staff comments to be completed for the project. They've all since been submitted and I have them in your packets.

Under public hearing comments as this is a public hearing and as part of the record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below.

Findings of Fact

1. US Cellular is requesting to construct a 125 foot high Commercial Communications Structure, a monopole cellular tower, including 12 attached paneled antennae and an associated 12' x 20' equipment shelter within a leased area on the Christian Tobias Jensen IV property at 7703 Springbrook Road and further known as Tax Parcel Number 92-4-122-284-0052.
2. The proposed US Cellular site is to be within a 75' x 75' leased area, located 15 feet north of the WE Energies LakeView Electrical Substation property and approximately 1,000 feet south of Springbrook Road on the 95 acre Jensen IV property.
3. The 75' x 75' leased area is large enough to accommodate additional future tower co-locators equipment shelters.
4. The US Cellular 12 attached paneled antennas are to be located at the top of the 125 foot high tower.
5. The Jensen property is currently zoned A-1, Agricultural Preservation District. The portion of the property where the tower is to be located is tilled farmland.
6. The proposed 125 foot monopole tower with antennas and the equipment shelter complies with the requirements of Section 420-89 B. of the Village Zoning Ordinance entitled Commercial Communication Structures.
7. The applicant states that the proposed location will facilitate the filling in of some areas within the Village that are voids or have low service in its system.
8. The Village staff believes that the proposed US Cellular site location has several advantages in that the location:
 - a. Is in a remote area, far from other well populated residential areas.
 - b. Is in proximity to the large WE Energies LakeView Electrical Substation which has a substantial amount of above-ground electrical equipment.
 - c. Is adjacent to the WE Energies LakeView Electrical Substation gravel access drive and will utilize this same existing access drive which extends southward from Springbrook Road to the site. Thus there is no need to construct an additional access drive.
 - d. Abuts the CP Railroad line.
 - e. Is adjacent to American Transmission Company or ATC high tension electric power lines and associated towers.
9. The tower is being engineered and designed to accommodate at least two additional carriers, which will decrease the possibilities of the proliferation of communication towers within the Village.

10. The 12' x 20' equipment shelter is proposed have exterior brick walls with a pitched, shingled roof, similar to other telecommunications equipment shelters in the Village.
11. Due to the remote location of the facility, for security purposes a 60' x 60' portion of the 75' x 75' leased area will be enclosed with a six foot high chain-link fence with three runs of barbed-wire atop the fence. The remaining non-fenced area of the leased area will be used to accommodate landscaping on the outside area of the fence.
12. Landscaping, to be located within the leased area, in the form of 16 dark green arborvitae, planted six feet in height, are proposed to be planted along the north, south and west sides of the fencing. The existing access drive is located to the immediate east of the lease area, thus preventing landscaping on this side. The WE Energies LakeView Electrical Substation property to the south which is improved with a landscaped berm.
13. According to the applicant-submitted pre-tower & antennas and post-tower and antennas coverage maps, US Cellular coverage in the south-central portion of the Village is poor that's shown as yellow at best without the tower and antennas, and increases to good or green, which is the next slide, with the tower and antennas.
14. US Cellular will need to enter into easements with the appropriate parties to allow access to the site. Recorded copies of the easements shall be provided to the Village.
15. The Village IT Department is requesting that the Village be allowed at some point in the future to install a WiMAX access point on the tower, at no lease/rental costs to the Village for a Village private data wireless WAN. This WiMAX access point will operate on a non-conflicting frequency.
16. As previously noted, the current zoning of the property is A-1 and commercial communication structure and associated equipment requires a Conditional Use Permit.
17. For additional information pertaining to this facility refer to the attached Conditional Use Permit, including Site and Operational Plans Application and the related attachments on file with the Village.
18. The Communication Act of 1934 is the Federal regulation which governs the telecommunications industry; Section 322 of said Act, as amended by subsection (6) (iv) of the Telecommunications Act of 1996, provides guidelines to state and local governments regarding the citing of antenna facilities. One such guideline governs what information can be considered during the zoning approval process. Basically, the local zoning authority, which is the Planning Commission may not directly or indirectly consider health and safety issues during the zoning process when considering a telecommunications facility, which falls under this Section.
19. According to the Village Attorney, specifically Section 704 of the 1996 Telecommunications Act prohibits the state/local units of government from denying a wireless communication company's request for local zoning approval based upon environmental or health effects/concerns if the wireless communication company complies with the regulations on RF emissions set by the FCC.

20. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on September 11, 2006. Notices were published in the *Kenosha News* on September 11 and September 18, 2006.
21. The Village emailed/faxed the petitioner a copy of this staff report on or about October 5, 2006.
22. According to the Village General Zoning, 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 the information presented at the hearing this evening, 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.

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

Mike Serpe:

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

Ron Zechel:

My name is Ron Zechel representing US Cellular, 3545 North 124th Street in Brookfield. We went over everything basically last time so I just want to make myself available for questions.

Mike Serpe:

The only thing I'm going to ask you, Ron, while you're still there, there's six conditions based on the Fire Chief's recommendations.

Ron Zechel:

We accept them.

Mike Serpe:

Good enough. Anybody else wishing to speak? Anybody else wishing to speak? We'll close the public hearing and open it up to comments.

Donald Hackbarth:

Last time there was a concern brought up I believe by the Chairman in regard to paving that driveway. I don't remember what his concern was. Was it about if fire vehicles or rescue vehicles had to get back there. I don't know if this poses that big a fire hazard, and I notice they weren't in the Chief's comments.

Jean Werbie:

It does not pose that significant of a fire hazard that the Chief was concerned enough to require it to be paved. And since there's an existing gravel access all the way back that's been packed down and is wide enough for his equipment he finds it to be satisfactory.

John Braig:

I recall the discussion at the time that a similar installation was made on Village property. And one of the concerns was the fact that the Village was responsible for maintaining the property in general and we did not want our gravel driveway because it complicated things like lawn maintenance and so on. So on our property in effect we asked for a paved roadway, but I don't see any reason to ask for it in this situation.

Mike Serpe:

Any other comments?

John Braig:

I move approval.

Judy Juliana:

Second.

Mike Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY JUDY JULIANA FOR APPROVAL SUBJECT TO THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS READ INTO THE RECORD BY THE STAFF. JEAN, DO YOU WANT TO FINISH IT UP?

Jean Werbie:

I just wanted to add that Village staff findings, conclusions and recommendations the staff has determined that based on the foregoing information presented in the application and this evening, that the project meets the standards for the granting of a condition use permit. It does not impede traffic patterns on the site or cause traffic congestion or traffic circulation problems. It does not impair adequate supply of light or air to the adjacent properties. The project does no increase the danger of fire. The project does not create storm water flooding or drainage problems. There are no existing identified hazards, dangers, harms, or offensiveness or nuisance created as a result of this particular use. And, finally, a proposed and applied for use on this parcel is not inconsistent with the A-1, Agricultural Preservation District in which it's located and it does not conflict with the adjoining land uses or zoning.

The staff recommends approval and recommends that the Plan Commission do the same because the petitioner has met the specific standards for the granting of a conditional use permit as stated

previously in the staff comments this evening subject to the comments and conditions as outlined in the staff memorandum.

Mike Serpe:

The motion is for approval. All those in favor say aye.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

John Braig:

I just want to make a comment. I think this is a unique situation because in general I would hold out that the tower be placed on Village property or using one of the existing high structures in the area. With the amount of structures in the area one more isn't going to complicate or add to that.

Mike Serpe:

This is for a multiple use tower I understand so if anybody comes in they'll be able to tie onto that which is good.

B. TABLED PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS on behalf of Ronald Zechel, agent for US Cellular, to install one, six (6) foot diameter dish antenna on the existing 250 foot high Commercial Communications Structure (cellular tower) located at the Village Roger Prange Municipal Center at 8600 Green Bay Road.

Mike Serpe:

We need a motion to take this off the table.

John Braig:

So moved.

Wayne Koessl:

Second.

Mike Serpe:

MOTION MADE BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO REMOVE FROM THE TABLE. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

Jean Werbie:

Trustee Serpe and members of the Plan Commission, on September 25th the Plan Commission had tabled this particular item so we're taking it up this evening as the public hearing for a conditional use permit including site and operational plans.

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

Findings of Fact

1. US Cellular is requesting to install one, six foot diameter dish antenna on the existing 250 foot high Commercial Communications Structure located at the Village Roger Prange Municipal Center at 8600 Green Bay Road and further identified as Tax Parcel Number 92-4-122-152-0301.
2. The existing tower is located approximately 550 feet west of the STH 31 right-of-way and approximately 330 feet south of the Village salt storage shed.
3. US Cellular notes that the original Village of Pleasant Prairie-US Cellular lease called for two dish-type antennas, but the lease was modified in 2002 to only one dish-type antenna when US Cellular opted to add additional equipment rather than the dish antenna.
4. With this application, US Cellular is proposing to remove some existing equipment from the tower, antennas and coaxial cables, and install the six foot diameter dish antenna at a tower height of 230 feet.
5. According to the application materials, a structural analysis was performed on the tower by Ramaker & Associates on August 2, 2006. Through the structural analysis it was discovered that tower is under some stress, which may be due to the presence of excess coaxial cabling located on the tower that is not connected to any antennas or other apparatus. In the structural analysis report, with the addition of the proposed six foot diameter dish antenna, along with some other modifications, the tower will be at 137% of its capacity. Therefore according to the report, the following modifications will need to be made in order to achieve tower structural integrity:
 - a. The guy line at the 130 foot height will need to be changed from 7/16 inch to 1/2 inch.
 - b. The diagonals from 60' to 80' and from 100' to 140' will need to be reinforced with 2.5" x 2.5" angles U-bolted to the existing diagonals.

All required structural modifications to the tower shall be completed concurrently with the installation of the six foot diameter dish antenna.

6. The proposed dish antenna installation complies with Section 420-89 B. of the Village Zoning Ordinance entitled Commercial Communication Structures.
7. The current zoning of the property is I-1 and C-1 (FPO), Institutional District and Lowland Resource Conservancy District for the wetland areas, with portions of the property located within the Floodplain Overlay District. Pursuant to the Zoning Ordinance, the proposed commercial communication antennas and associated equipment require a Conditional Use Permit.
8. The co-location of the dish antenna on this existing tower negates the need for the construction of a new tower.
9. The existing Village of Pleasant Prairie-US Cellular lease shall be modified to account for the new dish antenna installation. Prior to issuance of permits for the construction/ installation of the dish antenna and associated improvements, the proper easement documents and lease/maintenance agreements shall be executed by the petitioner and the Village.
10. For additional information pertaining to this proposed project refer to the attached Conditional Use Permit Application including Site and Operational Plans and the associated attachments.

Background Information

According to Village records, the following apparatus is on this 250 foot guy-wired tower:

- a. Village of Pleasant Prairie – Emergency Communications for Joint Dispatch, approved March 7, 1994.
 - b. U.S. Cellular – 9 antennas, approved March 7, 1994.
 - c. T-Mobile VoiceStream – 12 antennas at 220 feet, approved January 1, 2001.
 - d. U.S. Cellular – 6 antennas, 2 antennas at 140 feet, 4 antennas at 100 feet, and one six foot diameter dish antenna at 145 feet, approved August 12, 2002.
11. The Communication Act of 1934 is the Federal regulation, which governs the telecommunications industry. Basically, this act identifies that as long as the antenna facility complies with emissions standards established by the FCC in Section 704(b), it is considered that there are no health or safety risks posed by the equipment. Specifically, the Plan Commission may not directly or indirectly consider health and safety issues during the zoning process when considering a telecommunications facility, which falls under this Section.

12. The Village Attorney has specifically stated that Section 704 of the Telecommunication Act prohibits the state/local units of government from denying a wireless communication company's request for local zoning approval based upon environmental or health effects and concerns if the wireless communication company complies with the regulations on RF emissions set by the FCC.
13. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on September 11, 2006. Notices were published in the *Kenosha News* on September 11 and September 18, 2006.
14. The Village emailed/faxed the petitioner a copy of this staff report on or about October 5, 2006.
15. According to the Village General Zoning, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials, as well as the information presented this evening, that the project as planned will not violate the intent and purpose of all Village Ordinance, State of federal guidelines and meets the minimum standards for granting of a Conditional Use Permit.

I'd like to continue the public hearing at this point.

Mike Serpe:

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

Ron Zechel:

Hi, there, Ron Zechel again for US Cellular. US Cellular originally built this tower and then we deeded it back to the Village I believe in 1994. So this would actually be one of their installations. I believe, and as Jean went through all the attachments that came on, we originally had our installation and then the Village had their equipment. Then T-Mobile came on in I believe 2001, and you granted them approval for 12 antennas. One of the things that you don't regulate, though, is how much coax cable goes onto these towers and that's one of the biggest stress factor of a tower, especially the guy wire towers. Guy wire towers always tend to scare me a little bit more than a structural tower.

So what T-Mobile came on and did with their 12 antennas they came on and I believe it was 24 coax cables which really stressed the tower up. At that time they really didn't have—they can't track their structural to it. In 2002 US Cellular came on and exchanged a dish. We were originally granted two dishes and we exchanged a dish for some . . . equipment. At that time when we did our structural, we looked at a situation where we didn't account for T-Mobile's because T-Mobile's additional coax was not on that. Even though they were granted in 2001 they didn't have all their coax cable and they came back in after us. So that caused complexity there.

When we came back to look at this tower, we said this has got to be revamped or at least brought up to standards here so we need to move forward. In the meantime we want to put a dish back here and we're willing to give up some equipment and bring down and we're talking T-Mobile and helping the Village staff trying to get T-Mobile to reduce some of their coax. So that's one of the things you look at when you design a structural tower.

This tower is not going to be able to carry anything more after this. This tower is pretty much dead as far as addition. So if somebody else comes on here you're going to have to think about another tower on Village property or whatever to go forward and go from there. So we're working with T-Mobile on this but we're willing to give up a bunch of our equipment to get this dish up. What it does is gives us a fiber backup for all our systems design. We don't have a lot of tall towers in the Village here. So at this time if you granted us approval we'd do the structural modifications at our cost and get that dish up and get the tower back in conformance. We also need a little help from T-Mobile so the staff can help us on that a little bit but go from there.

We're also looking at we've done the Village property here, and we're also in preliminary discussions about possibly another Village property just so you're aware of it, but we do work with the Village quite a bit. In this application we'd also have to make an amendment to the lease for this additional piece of equipment. We certainly would do that with Mike.

Mike Serpe:

Thank you. That's interesting information. I didn't realize the coax—

Rob Zechel:

It's really important. If you're going to grant us conditional use, say nine antennas, typically we're coming out with nine antennas and typically nine coax either 7/8 or 1 5/8. The real big factor is the wind loading on the coax because the coax cable can be up to 1 5/8 inches. T-Mobile is coming out and they're doing a lot of their upgrades. They're doing up to 36 lines off of 9 and 12 antennas. That puts a great stress on any tower and actually fills up. If you're looking at the monopole that you just granted us, we've got a three foot—if one carrier comes on and does 36 lines inside there, the second and third carriers are really stressed as far as getting coax in there. So that's one big factor. I know you regulate the antennas, but you should be regulating also the amount of coax on there and making sure that every time you come in for permits that you have a stamped structural coming in. Any modifications coming in should have a stamped structural coming in with them.

Mike Serpe:

Thank you. I appreciate that. I'm sure Jean and Mike are going to look at that as well unless you already knew that Mike. I'm sure you may have. I don't know. That's good. Anybody else wishing to speak? Anybody else? Close the public the hearing.

John Braig:

When the developer presents a subdivision for our consideration, his engineer has to go through some detailed studies and plans to take care of storm water. The Village then has our engineer also review those plans, is that correct?

Jean Werbie:

Yes.

Mike Pollocoff:

We don't redesign it.

John Braig:

But you review and check it which leads me to the question on something like this. Who is Ramaker & Associates?

Mike Pollocoff:

They're not our engineers.

John Braig:

So they're doing the engineering study. Do we have anyone that double checks their work? I'm thinking the hazard or the danger is probably greater with a tower than whether we've got enough retention basin capacity.

Mike Pollocoff:

I disagree. Flooding hazard is incredible. But what we do in our lease agreements with people that are on the tower or another vendor that's going to come on, we require that they perform a study to verify that the tower can structurally maintain that, and that the engineer has to put a seal on that. Then we require them to ensure the Village against any loss and if they have to make a modification. As the gentleman indicated, based on our lease agreement with T-Mobile, we're going to require them in compliance with the agreement to make whatever modifications to their system that's going to keep the tower in good working order. Although US Cellular, and back when they put it up it was Cell One, gave it to the Village. We needed it for our tower. That's our public emergency tower. That's where dispatch goes to.

But we haven't had an engineer review their work. What we've done is similar to what we've done for a long time with commercial electrical work. We require that contractor who is doing the work to certify that the work is in compliance with what the specifications and the standards call for. And if it isn't then they have to make whatever repairs or modifications are necessary.

John Braig:

What concerns me is the statement that we were presented tonight with, that the tower is at 137 percent of capacity. I take that as being structural capacity rather than room for antennas.

Mike Pollocoff:

Right.

John Braig:

I don't like that. We, and I mean that's a great big we, are responsible for the safety of the people around this thing, and 137 percent of capacity does not sound like a good review.

Mike Pollocoff:

That's not the number we had going into this. That's US Cellular's. We have to give T-Mobile an opportunity to come into compliance. If they violated their agreement with the Village by exceeding structural capacity of the tower they've got to address that. But if the Commission wants we can retain an engineering firm to do reviews.

John Braig:

Am I correct, in effect we approved T-Mobile to do what they did.

Mike Pollocoff:

Subject to not impinging the Village's ability to operate that tower and US Cellular's, because US Cellular was already on there before T-Mobile. So that's the conditions of their lease on the tower.

Jean Werbie:

I think I just need to clarify. From the information we received from US Cellular, with the addition of the six foot diameter dish the tower would be at 137 percent of its capacity. It's not at it now. With the addition of the dish.

John Braig:

I was under the impression it's at that now. Okay. You're right, the addition.

Jean Werbie:

With the addition. And that's why we can't put that dish on and they have to come up with another solution. So that's why there wasn't a violation or a problem with the last set of antennas and cables went on.

John Braig:

Thank you.

Donald Hackbarth:

I have a question for Ron. I don't know if you've got that information, but give us an example. How much of 230 feet of coaxial be? How much weight would it be?

Ron Zechel:

It's not exactly weight. In this particular instance they've actually got it going out on a rack that creates wind loading the way it's going up the cable system. So I think what happened is T-Mobile can't go back and find their structural. Four or five years ago things were a little bit more

lax than they are now. And one thing is that it's not a US Cellular tower, so usually when a carrier comes to us if we own it we make them bring in a stamped structural showing that or whatever. Right now they can't go back and find it so we came on, so obviously we're trying to get this thing up to make sure everybody is covered on this. It's not that major of an issue but it's got to be addressed.

It's hard to say for me how much. That's a steel cable so if you're running 250 feet straight up vertically and then you're starting to wind load it on the outside with racks you could have two feet with bars going out there. With the guy wire towers you've got just a thin structure going up and then you've got the . . . attaching to the guy wire, the frame itself. So they're actually like mini sails on there that press the wind.

Donald Hackbarth:

You're saying that the cable is outside of the structure on racks coming down.

Ron Zechel:

Because the structure itself is only the small—unfortunately that's why I don't like to do guy wire towers. They were done a long time ago in the early '90s. But that's why you see a lot more lattice towers and the monopole towers. But the structure itself is just a small structure that's supported by three or four guy lines. I think on this property actually the guy lines were reduced and you had a tighter spot on this. The width of it was reduced so it further complicated as far as additional equipment. You see some guy towers that go up 300 feet that can carry a lot of huge dishes on here. A lot of it depends on the stress coming down and the guy wires and so forth what's on there.

In this particular case we're working with T-Mobile. Obviously what happened is when they put their stuff on they didn't a structural that was up to date, or they did a structural that said we're looking at nine antennas and maybe we started out with nine coax but then they came on and added that extra 12 runs or 24 runs and now you've could put a lot of stress on that tower. So it's got to be fixed before we add our microwave. It's still got to back and be fixed.

Donald Hackbarth:

Is that a three sided tower?

Ron Zechel:

Yes, it's like a triangle.

Donald Hackbarth:

If they're going to put a wing out there if they run the cable down, do they attempt to balance it on each side or do they just run it down one side?

Ron Zechel:

No.

Donald Hackbarth:

It's not balanced?

Ron Zechel:

Guy wire tower going back they run a series of calculations on how tight and what size of the guy wire towers and what it can handle, so they do an intricate series of calculations trying to figure out the modifications and what's needed. I think they do try to balance them a little bit, but you put the racks on and racks are usually balanced but I think these cables going up there I don't necessarily think they're balanced.

Donald Hackbarth:

Is there any way to lower the height of an antenna? I don't know if that's practical to lower the height of the antenna to reduce the cable weight?

Ron Zechel:

You're pretty well you've got antennas all the way up at different levels in this one so you're pretty much especially with the Village properties.

John Braig:

To reduce the wind loading, is there any reason you couldn't bundle the cables rather than spread them out on a rack?

Ron Zechel:

What we would ask is that we work with T-Mobile on this one is we'd ask them to reconfigure their coax runs to get them off of the wind sail and try to get them refigured in there. We work back and forth with all the companies so that's not we have master agreements with all the companies so we work back and forth with them so we should be able to come up with something that effectively take care of this thing in the next month.

Mike Serpe:

And US Cellular is taking the lead on this as far as—

Ron Zechel:

It's a joint I mean once since we no longer own it we gave it to we gave it to the Village and we got three really people, US Cellular, the Village and T-Mobile sitting out here. We need to just fix it, get this fixed ASAP.

Mike Serpe:

Keep the Village out of this the best you can. You and T-Mobile work it out.

Mike Pollocoff:

If you want to monopolize I'd be glad to--

Ron Zechel:

It's not outside I kicked that one around as far as looking at if something else came on or another carrier came on I think you'd have to seriously look at that possibly just doing a brand new tower at that site and then I'm not so sure we wouldn't be entertaining to fund the capital on that.

Mike Serpe:

That will be your next approval, Ron. Any other comments? What's your pleasure?

Donald Hackbarth:

Move approval.

Jim Bandura:

Second.

Mike Serpe:

MOTION MADE BY DON HACKBARTH AND SECONDED BY JIM BANDURA FOR APPROVAL SUBJECT TO THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS READ INTO THE RECORD BY VILLAGE STAFF. JEAN, YOU WANT TO FINISH THIS UP?

Jean Werbie:

Village Staff Findings, Conclusions and Recommendations. The staff has determined that based upon the foregoing information presented in the application and this evening that the project meets the following standards for granting a Conditional Use Permit in that in that the project does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems. The project does not impair an adequate supply of light and air to the adjacent properties. The project does not increase danger of fire. The project does not create storm water flooding or drainage problems. There are no existing identified hazard, danger, harm, or nuisances that would endanger the public's health, safety or welfare related to the proposed use. The proposed and applied for use on this particular parcel is not inherently inconsistent with the I-1 District in which it is located or the adjoining zoning districts and land uses.

So based on that the staff recommends that the Plan Commission make the determination that the petitioner has met the specific standards for the granting of the conditions use permit and that approval should be subject to the comments and conditions as outlined in the staff memo.

Mike Serpe:

There's a motion for approval. All those in favor say aye.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Thanks, Ron, and we're sorry for the inconvenience of a couple weeks but thanks for cooperating.

7. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT to rezone several properties generally located on the west side of 39th Avenue between 93rd and 97th Streets from the R-2, Urban Single Family Residential District to R-3, Urban Single Family Residential District.

Jean Werbie:

Trustee Serpe and members of the Plan Commission, on September 18, 2006, the Village Board adopted Resolution #06-42 to initiate a zoning map amendment to rezone the 16 properties generally located on the west side of 39th Avenue between 93rd and 97th Street from the R-2, Urban Single Family Residential District to the R-3, Urban Single Family Residential District.

Both the R-2 and R-3 District allow for the same single family uses and the same detached accessory structures. The primary difference between the R-2 and R-3 relate to the minimum lot size and frontage, minimum house size and setback requirement for principal structures on the properties. All requirements for accessory structures are the same for all single family residential districts.

There's a chart on the slide and one in your packets that compares the R-2 to the R-3 District. As you can see, minimum lot size is much larger in the R-2. It's 40,000 compared to 20,000. The minimum width on a public street is 150 versus 100. Minimum first floor of a house is 1,500 versus 1,000. Minimum total floor area of a house is 2,000 versus 1,400. The setback to the right of way of the County Highway is the same. The street setback for local is 40 versus 30. The minimum side setback for a house is 25 versus 10. And rear yard setback is 50 versus 25.

Some property owners have indicated along 39th Avenue that they desire to add on or remodel their existing houses. By having side, street and rear setbacks greater than many of the other residential zoning districts in the Village, it would prohibit the enlarging and upgrading of these houses. These properties were rezoned in 1983 by Kenosha County as part of a comprehensive-wide rezoning. But these lots and homes did not meet the minimum zoning lot width

requirements of the district. In the 1990s the Village changed the R-2 District to an Urban Single Family Residential District since the Village requires urban services to develop, and only the rural single family residential district remaining in the Village is R-1, which requires lots to be five acres with frontages of 300 feet.

All of the properties except for one property, the one at 3915 93rd Street, meets the minimum lot area requirement of the R-2 District; however, only one property meets the minimum frontage requirement of the R-2 District; therefore, 15 of the 16 properties are currently classified as non-conforming lots.

15 of the 16 properties meets the minimum lot area and lot frontage requirements of the R-3 which is what is requested because that minimum requires 20,000 square feet per lot with a minimum frontage of 100 feet. One would remain still nonconforming.

Again, as shown on the slide, it compares every single one of the 16 properties along 39th Avenue. It gives their address, the lot area, the lot frontage, and we have, in fact, two corner lots, one up at 93rd Street and one down south at 97th Street. There was a lot line adjustment approved by the Plan Commission and the Board back in September which allowed the rear just over 20,000 square feet to be sold and combined to a property located within the Meadowdale Estates Subdivision. Both properties are proposed to be rezoned R-3 because that is the existing district to the west of these properties.

The area south of 97th Street is zoned PR-1, Park and Recreational District and C-1, Lowland Resource Conservancy District. That's because there's some open space as well as a pond there as part of the Meadowdale Subdivision. To the east the land are zoned I-1 for the All Saints Cemetery which is an Institutional District, and lands also to the north are zoned I-1 where the Ameritech building is located north of 93rd Street. R-2 and R-4, Urban Single Family Residential District also exists in the area.

The Village has received an inquiry from a resident in the Meadowdale Estates Subdivision, concerned with the rezoning. The concern was that the properties, if rezoned, could be further subdivided and additional homes constructed. I actually received several e-mails, and it from the President of the association on behalf of all of the residents that live there who wanted clarification as to what this might mean in the future.

What I explained to him was that in order for new lots to be created, the lots would have to front on a fully improved public roadway. Therefore, at this time it may be possible for the two corner properties that I mentioned, the one on 93rd and the one down at 97th, to be subdivided provided that they meet all of the lot area and setback requirements of the R-3 District. Both of these property owners have indicated in the past that they had some interest in subdividing their properties and rezoning.

In order for the other non-corner lots to be subdivided, again this is the other 14, a new public roadway would need to be constructed to the Village urban roadway standards which includes a 37 foot paved roadway within a 66 foot wide right-of-way with full urban improvements including sewer, water, storm sewer and curb and gutter. This would require several public hearings and meetings including an amendment to the Village Green Neighborhood Plan, Conceptual Plan approval and other variances from the land divisions and zoning ordinances.

Another concern that was raised dealt with an extension of a public roadway parallel to 39th Avenue south of 93rd Street. The staff commented that the Village Ordinances requires that the distance between intersections abutting or adjacent to a local arterial or a CTH, to be a minimum of 460 feet as measured from one intersection to the next. If a roadway would be constructed it would only be approximately 220 or 230 feet from the centerline of 39th Avenue. Also, roadways can not be longer than 800 feet without a cul-de-sac or access to another street. There are no proposed roadway connections to the west into Meadowdale Estates or to Meadowdale Subdivision. It is unlikely that a roadway connection would be approved by Kenosha County onto 39th Avenue; therefore, the roadway would need to extend all the way from 93rd Street to 97th Street. However as stated, these two intersections at 93rd and 97th would be very close to 39th Avenue and it is doubtful that the Village/County would support these public road connections.

About half of the existing homes also would need to be razed or relocated for a new roadway to be considered. Furthermore, every property owner would need to agree to the concept and pay for all of the costs needed for the extension of these services. In addition, somehow and somewhere a storm water management or retention basin would need to be installed.

As shown on the overhead, there's a slide that depicts all of these residential properties along 39th Avenue. 93rd Street is at the north and 97th Street is at the south. Again, the two Meadowdale subdivisions are to the west. The only possibility would be if there would be a public road at this location. Again, there's a home in the way. And then as you continue that line to the south several homes right in this area would need to be razed in order for them to be split into two. The concern of these residents was whether or not that was possible or imminent and whether or not they would have lots abutting up to them this whole length. So that was the nature of the comments and the questions.

Again, there's only two properties, the one at the north end and the one at the south that the owners had indicated some interest in subdividing their property, but one would have frontage actually on 97th Street and there would be a right of recovery/recapture back to the Crestwood development with VK, and then the other would be a possibility on 39th Avenue just to the south of Genesis House. With that, this is a matter for public hearing.

Mike Serpe:

This is a matter for public hearing. Is there anybody wishing to speak? Anybody wishing to speak? Yes, sir. I need your name and address please.

Danny Serrard:

Danny Serrard, 9600 39th Avenue. I'm the one that brought this up because I want to put an addition on my house. And I find out that we're nonconforming and now they want to implement this zoning. Almost every house on there is within the 25 foot side lot which they've never really enforced, but to straighten out the zoning problem from R-2 to R-3 makes every house compliant which is generally the purpose of this. My house is already within 14 feet of the property line, and I'm building on the existing 14 feet and I need the rezoning so I don't have to go 25 feet where I'm already at 14 feet. It does make all the houses conforming then.

Mike Serpe:

Makes sense. Anybody else wishing to speak? Anybody else? We'll close the public hearing. Comments or questions?

Wayne Koessl:

Mr. Chairman, through the Chair to the staff, I think on the page, the first one right below the requirement chart, it says all of the properties except for one property, 3915 39th Avenue, can that be corrected to 93rd Street?

Jean Werbie:

That's correct. It should be 3915 93rd Street. That's correct.

Mike Serpe:

Anybody else have any comments? What's your pleasure?

Wayne Koessl:

I'd move approval.

Jim Bandura:

Second.

Mike Serpe:

MOTION MADE BY WAYNE KOESSL AND SECONDED BY JIM BANDURA FOR APPROVAL TO REZONE THE PROPERTIES ON THE WEST SIDE OF 39TH AVENUE AS DISCUSSED FROM R-2 TO R-3. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Items B and C will be taken together. They will be voted on separately.

B. Consider the request of Chad Navis, Director of Development of WisPark LLC, property owner, for a Certified Survey Map to re-divide Tax Parcel Numbers 92-4-122-283-0121, 92-4-122-283-0126, 92-4-122-283-0130 and 92-4-122-283-0215, generally located between 80th Avenue and 88th Avenue, south of 109th Street and north of Deluxe Media Services and Volkswagen, into four (4) reconfigured parcels, one of which is to accommodate the LakeView Speculative XI Building.

- C. Consider the request of Chad Navis, Director of Development of WisPark LLC, property owner, for Site and Operational Plan approval for the proposed approximate 500,000 square foot LakeView Speculative XI Building proposed to be generally located on the west side of 80th Avenue south of the 8201 109th Street building.**

Jean Werbie:

Trustee Serpe and members of the Plan Commission, since these items are both related, we are proposing to discuss them at the same time and separate action is required.

The petitioner is requesting approval of a CSM to re-divide Tax Parcel Numbers 92-4-122-283-0121, -283-0126, -283-0130 and -283-0215, proposed to be generally located between 80th Avenue and 88th Avenue, south of 109th Street and north of Deluxe Media Services and Volkswagen, into four reconfigured parcels.

As you can see on the slide, the undeveloped properties that are proposed to be re-divided and reconfigured, the first is Parcel 80 of CSM 2048. It's approximately 28.38 acres owned by CenterPoint WisPark Land Company LLC, and it's currently zoned M-2, Heavy Manufacturing.

The second which is -283-0126 is Outlot 16, CSM #2164, 6.10 acres, owned by LakeView Corporate Park Owner's Association, Inc., and currently zoned M-2, Heavy Manufacturing.

The third is Tax Parcel -283-0130. It's Parcel 79 of CSM #2048, 39.16 acres, owned by CenterPoint WisPark Land Company LLC, zoned M-2, Heavy Manufacturing.

And the fourth is -283-0215 which is Outlot 13, CSM #1937, 2.96 acres, owned by LakeView Corporate Park Owner's Association, Inc, zoned M-2, Heavy Manufacturing.

Pursuant to Village Ordinance regulations, the M-2 District requires lots to have a minimum lot area of 40,000 square feet with a minimum frontage of 150 feet on an improved public street. The minimum street, rear and side setbacks for a principal structure in the M-2 District are 65 feet from arterial streets and 40 feet from non-arterial streets, 45 feet and 45 feet respectively for side and rear yards. Additionally, there is a minimum 25 foot setback from wetland boundaries.

For the proposed certified survey map lots, of the four lots, Lot 105 is proposed to be 28.4855 acres with 812.85 feet of frontage on 88th Avenue. The southernmost portion of Lot 105 will contain a portion of an approximate 100 foot wide Dedicated Public Storm Drainage & Maintenance Easement.

Lot 106 is proposed to be 28.1250 acres with 765.28 feet of frontage on 80th Avenue. Lot 106 will contain the entire existing north-south drainage easement along the west property line of the Lot. Pending Plan Commission review, Lot 106 will be improved with the next item on the agenda, the approximate 500,000 square foot LakeView Speculative XI Building.

Lot 107 is proposed to be 17.7972 acres with 616.32 feet of frontage on 80th Avenue. The southernmost portion of Lot 107 will contain a portion of an approximate 100 foot wide Dedicated Public Storm Drainage & Maintenance Easement.

Lots 106 and Lot 107 will have a Shared Access Driveway Easement along the shared property line.

Finally, the last parcel is Outlot 31 which is proposed to be 4.2555 acres with 570.33 feet of frontage on 88th Avenue. Outlot 31 contains a wetland pursuant to CSM 2164.

Municipal sanitary sewer and water are available in both 80th Avenue and 88th Avenue. According to the Village Finance Department, there are no taxes or special assessments currently outstanding on the properties. Any new construction is subject to the payment of impact fees of \$1.94/thousand assessed value for non-residential development.

The CSM is in compliance with the Village Comprehensive Plan, Village Land Division and Development Control Ordinance and Village Zoning Ordinance.

The second item on the agenda related to the CSM are the site and operational plans for an approximate 500,000 square foot LakeView Speculative XI Building proposed to be generally located on the west side of 80th Avenue south of the 8201 109th Street building.

General Site Development: The approximate 500,000 square foot, 35.5 foot high, LakeView Spec XI building and associated site improvements, Phase I, will be constructed on Lot 106 of the CSM. This Site and Operational Plan review is for Phase I of the development only. If the property owner wishes to pursue the development of an additional phases or the development of the Future 250,000 Square Foot Building as shown on the plans, the development review process for additional phases shall begin anew.

Because this is a speculative building, there is no identified user at this time. As information, any tenant that proposes to use/occupy 50 percent or more of this spec building will require Site and Operation Plan approval from the Plan Commission. Also, any tenant that requires a Conditional Use Permit will require Conditional Use Permit including Site and Operation Plan approval from the Plan Commission.

Parking: According to the plans, there will be automobile parking provided along east and west portions of the building for Phase I as shown on the slide. Phase I on-site parking provides for 296 vehicle parking spaces, which includes 12 handicapped accessible parking spaces. Any parking lot expansions will require permits from the Village. If the expansion parking areas are developed, the parking areas, as well as the associated maneuvering lanes, shall incorporate vertical concrete curb and gutter.

Initially, the building will have 56 truck loading docks, 28 on the north side and 28 on the south side. There is the potential to expand the number of truck loading docks to a total of 124 docks to the north and south sides of the building. 73 semi-truck parking spaces are proposed along the north property line. An additional 68 semi-truck parking spaces, 34 on the north side and 34 on the south side of the building area proposed between the truck loading docks.

Curbing shall be installed around the fire truck pumper pad. Additionally, curbing shall be installed along the south side of the southernmost driveway where an approximate 50 foot curbing gap is depicted for a future maneuvering lane connection. All applicable plan sheets shall depict these additional curbing requirements. All other curbing is shown on the site and operational plans.

Access to the Phase I site will be from two 80th Avenue driveways which will align with the Iris USA, Inc. driveways located on the opposite or east side of 80th Avenue and will also align with the 80th Avenue median cuts or openings. The plan shows a possible future 80th Avenue driveway access upon the development of the Future 250,000 Square Foot Building. As shown on the CSM, a Shared Access Driveway Easement is proposed in order to serve both Lots 106 and 107. In association with the Easement, a shared truck court is proposed to serve both properties upon development of Lot 107.

Screening & Landscaping: In addition to the proposed and required landscaping along the front of the building and in the east parking lot, additional interspersed landscaping trees shall be planted within the 20 foot parking setback along the north and west property lines; within the north 20 foot minimum paving setback and in between the west parking area and the line of the existing Drainage Easement.

Open Space: The plans proposes 25% open, impervious space or green space on the development site.

Zoning, Wetlands, 100 Year Floodplain: The LakeView Spec XI building or Phase I development site on Lot 106 is zoned M-2, Heavy Manufacturing District. There are no areas of wetland, 100-year floodplain or shorelands on the site. On the slide is an illustration or artist rendering of what the building is going to look like as looking to the north/northwest.

The staff recommends approval of the certified survey map for Item B and site and operational plans for Item C subject to the comments and conditions. We do have representatives here from the architectural firm and from WisPark if they would like to make a further presentation on the project.

Mike Serpe:

They're declining. But I like the numbers we're dealing with, Chad. Those 500,000 square foot buildings are nice round numbers. Gentlemen and Judy any comments?

Wayne Koessl:

If there's no comments I'll move approval subject to the conditions.

Mike Serpe:

That's Item B, Wayne, the certified survey map?

Wayne Koessl:

Right.

Judy Juliana:

I'll second.

Mike Serpe:

MOTION MADE BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA FOR APPROVAL OF THE CERTIFIED SURVEY MAP SUBJECT TO THE COMMENTS AND CONDITIONS AS OUTLINED BY STAFF. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it. Now Item C?

Wayne Koessl:

I'll move approval.

Judy Juliana:

I'll second.

Mike Serpe:

MOTION MADE BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA FOR SITE AND OPERATIONAL PLAN APPROVAL SUBJECT TO THE COMMENTS AND CONDITIONS AS OUTLINED BY STAFF. ALL THOSE IN FAVOR SAY AYE.

Voices:

Aye.

Mike Serpe:

Opposed? The ayes have it.

9. ADJOURN.

John Braig:

Move adjournment.

Judy Juliana:

Second.

Voices:

Aye.

Meeting Adjourned at 6:00 p.m.