

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
October 23 2006**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on October 23, 2006. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF SEPTEMBER 25, 2006 PLAN COMMISSION MEETING.**

Mike Serpe:

Move approval.

John Braig:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO APPROVE THE MINUTES OF THE SEPTEMBER 25TH PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS.

Thomas Terwall:

Items A through D on tonight's agenda are public hearings. So if you have a comment on any of those four items we would ask that you hold your comments until the public hearing is held so they can be included or incorporated as a part of the official record of the public hearing. However, if you're here for Item E or if 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. Is there anybody wishing to speak under citizens' comments? Anybody wishing to speak?

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT to correct the Zoning Map as a result of a wetland staking completed for the undeveloped property located at the approximate 9900 Block of Lakeshore Drive (west side of Lakeshore Drive) and to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District and to rezone the portions of the property that are not wetlands into the R-5, Urban Single Family Residential District. The entire property will remain in the LUSA, Limited Service Area Overlay District.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, the purpose of this public hearing is to consider a zoning map amendment to correct a zoning map as a result of a wetland staking for undeveloped property located at approximately 9900 block of Lakeshore Drive to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District, and to rezone the portions of the property that are not wetlands into the R-5, Urban Single Family Residential District. The entire property will remain in the Limited Service Area Overlay District.

On August 15, 2006 the Village received an application from Robert Foster on behalf of the property owner, Lois Foster, for a wetland staking to be completed on their undeveloped property located as Tax Parcel Number 93-4-123-203-0170 and further identified as Lot 9 of Block 34, Carol Beach Estates Subdivision, Unit No 4.

The Village received a letter dated September 7, 2006 from SEWRPC that indicated that the Plat of Survey correctly surveyed and correctly identified the wetlands on the property as field staked on January 6, 2006.

On September 25, 2006, the Plan Commission approved a Resolution 06-18 to initiate the zoning map amendment to correct the Village zoning map as a result of the wetland staking being completed. Therefore, the field delineated wetlands on the property are proposed to be rezoned into the C-1, Lowland Resource Conservancy District. The non wetland portions of the property would be rezoned into the R-5, Urban Single Family Residential District, and the entire property would remain in the LUSA, the Limited Urban Service Area Overlay District. With that, this is a public hearing and I'd like to continue the hearing at this time.

Thomas Terwall:

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

John Braig:

From what I can see on the drawing the remaining uplands are small enough and close to the wetland that this is no longer a buildable parcel, is that correct?

Jean Werbie:

No, it's not. Actually they could get a home of some reasonable size and design on the lot. We actually just put a slide together, it's not in your packets, that does show in yellow the potential buildable area. It might be a little bit of an awkward shaped home, but in that district the minimum square footage is 900 square feet on the first floor is all that's required in the R-5 District. So with that they could put a home—900 square foot first floor and 1,200 square foot total in order to build a home of reasonable size and design without obtaining any wetland variance setbacks. Certainly, they would have the option of applying, but as you can see as measured the 25 foot setbacks and the appropriate 30 foot setback to Lakeshore Drive as shown would allow for a home to be built. So it might be a rather small home.

John Braig:

What is the area of green patch?

Jean Werbie:

I'm sorry, it's yellow on my screen. That's the buildable area.

Thomas Terwall:

How big is it?

Jean Werbie:

It is 27 feet at its widest part all the way down to 10 to 12 feet, and it looks like it's about 50 feet in length.

John Braig:

Boy, if we permitted somebody to build a house to fill that footprint there we'd have all the neighbors complaining about what an atrocity it is.

Jean Werbie:

It could be a two story so it would have a smaller first floor footprint, with it being 900 square foot on the first floor and 1,200 square feet total would be the minimum you'd need to have. Certainly not as large as some of the other homes being built down there.

John Braig:

Okay, thank you.

Thomas Terwall:

Anything further?

Donald Hackbarth:

Move approval.

Mike Serpe:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman, could we take Items B and C together? They both relate to the same item so we'll be making one presentation for both the preliminary condominium plat as well as the zoning map amendment.

Thomas Terwall:

We need a motion.

John Braig:

So moved.

Wayne Koessl:

Second.

Thomas Terwall:

All in favor of combining B and C for one public hearing with two separate votes say aye.

Voices:

Aye.

Thomas Terwall:

Opposed?

- B. CONSIDERATION OF A PRELIMINARY CONDOMINIUM PLAT for the request of Mary Kay Buratto, agent for Vintage Parc, LLC for the proposed 3-6 unit and 12 4 unit condominium buildings proposed to be located on the 14.5 acre property located at the southeast corner of STH 165 (104th Street) and Old Green Bay Road to be known as Vintage Parc.**

- C. CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Mary Kay Buratto, agent for Vintage Parc, LLC to rezone the property located at the southeast corner of STH 165 (104th Street) and Old Green Bay Road from the R-4, Urban Single Family Residential District to the R-10 Multifamily Residential District. The UHO, Urban Landholding Overlay District will remain on the property until a PUD, Planned Unit Development for the Vintage Parc Condominium is considered.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission and audience. We have two items on the agenda, both having public hearings. The first item is the preliminary condominium plat for the request of Mary Kay Buratto, agent for Vintage Parc, LLC, and it's for the proposed three 6-unit and twelve 4-unit condominium buildings. They're proposed to be located on 14.5 acres of property at the southeast corner of Highway 165 and Old Green Bay Road. The project would be known as Vintage Parc.

The second item is the consideration of a zoning map amendment, again, at the request of Mary Kay Buratto, agent for Vintage Parc, LLC, to rezone the property located at that southeast corner of 165 and Old Green Bay Road. The proposal would be to rezone the property from R-4, Urban Single Family Residential District, to the R-10, Multiple Family Residential District. The UHO, Urban Landholding Overlay District will remain on the property until the detailed PUD or

Planned Unit Development has been reviewed and approved by the Village. Again, separate action on these items will be required.

The developer, again, is requesting preliminary condominium plat approval and the rezoning of the requested property. The petitioner has received previous approvals on this project including a comprehensive plan amendment, which came from the Plan Commission March 27, 2006 through Resolution #06-06, and that was to amend the Village Land Use Plan by removing the Urban Reserve Designation from the property. This property is identified as Tax Parcel Number 92-4-122-272-0100.

The second item was a neighborhood plan amendment which was also approved by the Village Plan Commission on March 27, 2006 through Resolution 06-07 to amend a portion of the Lakewood Neighborhood Plan for the area south of Highway 165 and east of Old Green Bay Road.

And, finally, a conceptual plan for the Vintage Parc Condominium Development was approved by the Village Board conditionally on April 3, 2006, and the concept plan proposed 66 units for this development, three 6-unit buildings and twelve 4-unit buildings.

The proposed development includes 66 condominium units proposed on 14.3 acres of land. 105th Street and 65th Avenue are proposed to be dedicated as public roads through a certified survey map. There would be four lots that would be created as part of this condominium development. Lot 1 is proposed to be just over 5.4 acres; lot 2 is proposed to be just over 1 acre; lot 3 is proposed to be just under 1 acre; and lot 4 is proposed to be just over 3.6 acres. Therefore, the total area to be developed would be 10.9 acres, 3.4 acres of land will be used for public road right-of-ways.

The entire development provides for a net density of 6.1 units per net acre. The Certified Survey Map and related Development Agreement will be considered at the same time that the Final Condominium Plat is presented and the Zoning Text and Map Amendments for the PUD are considered.

Under population projections for this development, a total of 180 persons and 41 school age children are likely to come from this development at full build-out. The Village provides copies of these proposed developments to the Kenosha Unified School District to assist in their budgetary and long range planning efforts. Pursuant to KUSD 28 public school age children are likely to come from this development or 42 percent of 66 households likely to have children.

Under open space, there are no wetlands, floodplains or proposed public parks located within the development. However, a 35 foot wide landscape easement adjacent to STH 165 and Old Green Bay Road and along the south property line will be required in order to buffer this development from adjacent land uses. Although one of the storm water easement area is encumbered by a retention basin, landscaping and an undulating berm will be required to be installed by the developer within the storm water easements. The parking areas shall not be located within the Landscape Easement Areas. As stated, the retention facility may be located within the Landscape Easement area provided that the normal high water elevation of the retention facility is not located within the Landscape Easement and adequate landscaping within the easement is provided. Again, that retention area is in the very northwest corner of the site. Written verification from the DOT shall be provided which specifically states that a retention basin can be

located within the vision triangle of 165 and Old Green Bay Road. In addition, the trees located along a portion of the eastern property line, including their drip line, shall be preserved and protected and located in a Woodland Preservation Easement. No utility easements shall be located within the woodland preservation easement.

I'd like to just back up for a minute. The Wisconsin Department of Transportation had regulations that were in effect for a number of years called Trans 233. Those rules had been suspended for a number of years, but they have now recently gone back into effect because there was no action taken by the State Legislature to eliminate them or modify them. So those rules are now back into effect which could encumber any properties along State highways with respect to structures and other types of setbacks. So we have those rules and we've just contacted all of the developers within the Village that are doing work adjacent and abutting to State highways to let them know those rules are all now back into effect. So since some of these projects have not been final platted and certified survey maps have not been approved, they need to make sure that they meet all those State requirements whenever there's a plat involved.

Under site access, this development is proposing one access point onto STH 165 at 65th Avenue which is where it aligns to the Meadowlands to the north, and one access point onto Old Green Bay Road at 105th Street. The plans and permits for these access points shall be approved from the Wisconsin DOT prior to construction.

Under minimum parking requirements, the three 6-unit buildings each have three bedrooms that require a minimum of 2.5 spaces per dwelling unit in which a minimum of 75% shall be enclosed and the twelve 4-unit buildings have two bedrooms per unit that requires a minimum of 2 spaces per dwelling in which 75% shall be enclosed. In addition, for every 8 units 1 guest parking space is required. Based on this information a minimum of 150 parking spaces are required in which 106 spaces are required to be enclosed.

All of the units have a two car attached garage and one unit in each of the three 6-unit buildings has an attached garage; therefore, there are 135 enclosed parking spaces and 21 non-enclosed parking spaces for a total of 156 parking spaces. The parking meets the minimum requirement of the Village Zoning Ordinance.

Under temporary cul-de-sacs, temporary cul-de-sacs shall be constructed at the east property line at 105th Street and at the south property line at 65th Avenue for future connections to the vacant property to the east and south. The Developer shall dedicate public right-of-way for 65th Avenue and 105th Street to the south and east property lines, however, temporary cul-de-sacs will be required to be installed at the terminus of said roadways. The temporary cul-de-sac areas outside of the dedicated street right-of-ways shall be labeled as Dedicated Temporary Public Street, Access and Maintenance Easement.

Basically, at the end of all of our dead ended roads that are going to be extended we do require that there be temporary cul-de-sac turnarounds for snowplows and other types of emergency vehicles and others that are coming into that development so that these large vehicles do not have to back up down dead ended streets. What I'm getting to here is that these particular cul-de-sacs are smaller and they're going to be requesting a variance so that they're smaller than a typical cul-de-sac. They will not have a cul-de-sac island in, but it's recognized that eventually these sides of the cul-de-sac will come off and eventually these roads will be extended to the east and to the south for future development.

The developer has submitted an application for a variance from Section 395-60D of the Land Division and Development Control Ordinance in order to apply for that variance for the sizing of these temporary cul-de-sacs. And this hearing is scheduled before the Village Board on November 6, 2006.

Under public improvements, additional right-of-way is proposed to be dedicated on STH 165 adjacent to this development. The State is requiring a total of 80 feet from the centerline of 165. Approvals from the DOT will be required to be obtained by the developer. All improvements shall be made by the Developer at the Developer's expense as required to 165. No additional right-of-way is required to be dedicated on Old Green Bay Road which is a Village Road.

The entire development shall be serviced by municipal sanitary sewer, water and storm sewer at the developer's cost.

Under municipal water, municipal water shall be extended by the developer at the developer's cost south on Old Green Bay Road to the southern property line of the development and will be looped through the development within the public roadways to the property boundary lines and connect to the water main basin in 165 from 65th Avenue.

Under municipal sanitary sewer, the sanitary sewer shall be extended by the developer at the developer's cost throughout the public roadways to the property boundaries lines within the development. All buildings shall be provided with nine foot gravity basement service.

Under on-street bike trail on Old Green Bay Road, pursuant to the Village Park and Open Space Plan adopted by the Village Plan Commission on March 13, 2006, a future on-street bike trail is proposed on Old Green Bay Road adjacent to the development. This on-street bike trail will be constructed at the time that the roadway is widened. The developer will be responsible for the paying for their fair share of widening Old Green Bay Road to an urban profile. Preliminary cost estimates will be provided upon submittal of the revised engineering plans and these costs will be finalized at the time the Certified Survey Map and Final Condominium Plat are considered. The cost shall be paid to the Village as a condition of Certified Survey Map and Final Condominium Plat approval.

One of the things I'd like to mention here is that a developer to the northwest has a traffic impact analysis that they have been working on for the last couple of years, and it's going to be presented to the Plan Commission shortly, that is examining that intersection of Old Green Bay Road and 165 as a roundabout. So as part of that roundabout construction, there will be some legs of Old Green Bay Road and 165 that will warrant reconstruction and that will be done at that same time.

The second off-street bike trail is on 165. Pursuant to the Village Park and Open Space Plan adopted by the Village Plan Commission on March 13, 2006, a future off-street bike trail is proposed on STH 165 adjacent to the development. The future off street bike trail will be constructed as a part of the widening of 165. The developer will be responsible for the paying for their fair share of widening 165 to an urban profile plus the preliminary cost estimate for off-site 165 improvements that are required at any of the intersections which is part of that \$1,000 per unit cost that will need to be paid at the time of the certified survey map.

If you will recall, at the time that the Village Green Heights development was being proposed and the original Village Center project was being proposed, a very detailed traffic impact analysis was done and examine exactly what the cost would be for intersections along 165. At that time a cost was determined to be \$1,000 per unit to be paid as part of an overall cost for the improvement of those intersections and signals at certain intersections.

Under right of recovery, a 10-year right-of-recovery could be afforded to the developer for water improvements to be installed on Old Green Bay Road if, after holding a special assessment hearing, the project is approved by the Village Board. The actual costs for such improvements shall be provided at the time the Final Engineering is completed by these developers. Property owners on the west side of Old Green Bay Road would be will be required to pay the water special assessment costs only if they choose to connect to the municipal water main. Also, any new homes or any new future commercial development will be required to connect to municipal water and pay the special assessment prior to connecting to the water main. Also, any new lots created will be required to pay the special assessment prior to recording a certified survey map or a plat that may be filed. A special assessment public hearing for the off-site municipal water improvements will need to be scheduled by the Village Board related to these pending costs prior to approval of the Final Condominium Plat.

Under zoning map amendment, the property is currently zoned R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District. The condominium area north of the property just north of 165 is zoned R-10, PUD Multi-Family Residential District with a Planned Unit Development, and the lands to the west, east and south are zoned R-4 (UHO). Note the lands to the west and northwest are proposed to be developed for commercial purposes as part of a B-2 Community Commercial area but they are not zoned that yet.

The project is proposed to be developed as a Planned Unit Development since more than one building is proposed on each of the lots or parcels. Developing as a PUD will allow for flexibility with some dimensional requirements of the Village Zoning Ordinance provided there is a defined benefit to the community. A draft of the PUD Ordinance is attached in your packets.

At this time the developer is requesting to rezone the property from R-4 (UHO) to R-10 (UHO). When the PUD is finalized by the staff and the developer and we bring it forward to the Plan Commission for a public hearing, at that point we will be requesting the UHO to be transferred to a PUD designation.

The following dimensional variations from the R-10 District regulations and other zoning requirements are proposed:

- The buildings are proposed to be located a minimum of 25 feet from the property line adjacent to the non-arterial roads within the development wherein the ordinance requires a minimum of 40 feet.
- Three of the four parcels within the development will have more than one building on the parcel.
- Lots 2 and 3 are less than 1.5 acres in size.
- The minimum width of a driveway is 35 feet and the driveways will vary from 24 to 35 feet, and the driveway serving building 3, 4 and 5 shall be a minimum of 30 feet wide.

- The driveway locations for buildings 1, 7, 8, and 15 do not meet the separation spacing for driveways from intersecting roadways. This separation distance is determined by the speed limit of the two intersecting roadways.
- The speed limit on 165 is 45 mph; therefore, the driveways for buildings 7 and 8 shall be a minimum of 460 feet from. If this is acceptable by the DOT, this separation spacing will be reduced to 127.5 feet. Again, we need to get concurrence from the DOT on that reduction.
- The speed limit on Old Green Bay Road is 35 mph; therefore, the driveway for buildings 1, 2 and 15 shall be a minimum of 300 feet from centerline of Old Green Bay Road to centerline of driveway. 132 feet is proposed for building 15 and the distance for buildings 1 and 2 this reduction shall be incorporated again into the PUD.
- Most of the driveways may not meet the separating spacing of 105 feet as measured from centerline to centerline, but these reductions can be incorporated into the PUD.
- The net density is proposed to exceed the net density of the R-10 District. 6.1 dwelling units/acre is proposed, and the District current requires that they be 5.3 units per acre.

In consideration of dimensional variations at a minimum the following shall be required as recommended by staff:

- In addition to a statement in the PUD Ordinance related to 80% of the buildings being owner occupied, the developer shall record a restrictive covenant in the declaration of condominium regarding a commitment to keep 80% of units as owner occupied rather than rental.
- All Condominium units shall have individual exterior entrances and attached garages.
- All Condominium buildings shall have full basements.
- 75% to 100% of each unit shall have exterior building materials consisting of brick, stone or block materials.
- A variety of building colors shall be submitted and shall be specified in the PUD Ordinance.
- All sewer and water within the development roadways shall be public.

Under fiscal review, the developer needs to verify with the Village whether the \$891 per unit cost sharing contribution is going to be made by the developer for each of the units within the development.

With that I have provided an overview of both the preliminary condominium plat and the zoning map amendment for the project Vintage Parc. There are representatives here as well as the developer her to make further presentations or comments or answer any questions for the Plan Commission.

Thomas Terwall:

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

Bill Bodner:

Hi, I'm Bill Bodner with Vintage Parc. I'm here tonight with Rich Wagner and Adam Arts from Jenkins Survey & Design and my planner Mary Kay Buratto. I would just like to say that I appreciate the efforts that the Village staff has given us in their guidance and input during the process and I look forward to continuing on with that. We're here tonight to answer any questions that you may have as you discuss. Thank you.

Thomas Terwall:

Thank you. Anybody else wishing to speak? Anybody wishing to speak? Anybody wishing to speak? Before I open it up to comments and questions from the staff, have you read the terms and conditions laid forth by the staff? No questions? No issues? Thank you.

Donald Hackbarth:

Refresh me if you can. When this thing came up a couple years ago I don't remember what the concern was, concern about roadways or whether it should be residential or multi-family? Do you remember that?

Mike Pollocoff:

That was the neighborhood plan.

Jean Werbie:

There were some concerns and questions by adjacent property owners to the east and to the south how this would interconnect to the vacant lands, and so they have designed this so 105th Street can extend to the east and 65th Avenue can continue to the south when and if those property owners would like to develop their properties.

Donald Hackbarth:

So that issue has been resolved?

Jean Werbie:

Yes. And then they were also concerned that there be some type of separation spacing to the south. So in addition to the green space behind the condominium units, there's in addition a 35 foot wide buffer and berming areas as well to the south.

Donald Hackbarth:

The other thing, too, is are these turn lanes here? Looking at this drawing that I've got, is this a turn lane? It's going on 65th Avenue. Are those turn out lanes that it's not interrupting the flow of traffic that's going straight ahead?

Mike Pollocoff:

On 165 yes.

Jean Werbie:

We could have the engineer for the project come up and specifically answer that question.

Rich Wagner:

I'm Rich Wagner with Jenkins Survey & Design, Waukesha, Wisconsin. That is correct, those are acceleration and deceleration lanes on 165 and also on Old Green Bay Road. The plans have been submitted to the Department of Transportation, and the only thing we're waiting for is for the representative from DOT to come back from vacation. But we've been working very closely with them also on the access issues.

Donald Hackbarth:

The last issue I've got is that distance. Is that distance 168 feet or something like that? Was that too small a distance? It's supposed to be 400 and some feet or whatever it is?

Jean Werbie:

Right. That would be from the intersection of Highway 165 to the intersection of the first two condo driveways.

Donald Hackbarth:

Is there any way to kind of—you know that traffic gets going pretty good there. Is there a way that we could maybe go to DOT or something and put a stop sign there temporarily before the roundabout to kind of impede traffic going east and west to kind of just slow it down a little bit so that it doesn't become too dangerous in that turnout?

Rich Wagner:

The purpose of the roundabout is really for traffic calming. So if you've probably seen some of those preliminary layouts for the roundabout it shows actually a curve in 165 pavement to slow traffic down there. But typically the issue is spacing as it relates to entrance on 165, whereas these driveways are spaced off of 165 and are exiting to one access point to 165. And we've actually been in contact with the DOT, and they've said from the right of way south it's not their roadway. They said that that driveway from these residences they have no concern over those.

Donald Hackbarth:

I'm just saying it's going to take a while before we get a roundabout there.

Rich Wagner:

But even the traffic on 165 wouldn't have any impact on driveways that enter on the side street and then eventually get to 165.

Thomas Terwall:

Anybody else? Larry?

Larry Zarletti:

One is more a comment. We have talked about this before and not necessarily for the developer about Unified. We just report to Unified or do we meet with them regularly to discuss the impact that these buildings will have?

Jean Werbie:

We report to them every three months and we meet with them every six months. So when there is a neighborhood plan that has been approved by the Plan Commission and Board, they're aware of the potential of the growth in that particular area. And then at the concept stage, which was a while back, they receive the concept documents at that time so they know six months to a year ago exactly what would be proposed and then we update them every three to six months as the timing. That's the critical part of our contact and communication with them is to keep updating them with the timing of each of these developments so that any boundary adjustments or new schools they're aware of exactly how many potential students could come at a particular time. So they're aware of all of it.

Larry Zarletti:

And my last question is about either to staff or the engineer about the 100 feet versus the 120 feet in a cul-de-sac for a turnaround. No problem with service vehicles at 100 feet?

Rich Wagner:

We actually did check the turning radius of those vehicles and it works at the 100 foot radius.

Larry Zarletti:

Okay, thank you.

John Braig:

Is that a 100 foot radius or diameter?

Rich Wagner:

It's a 100 foot diameter, I'm sorry.

John Braig:

Diameter, okay. I've got two items. One is questioning the math. All units will have a two car attached garage with one unit in each of the three 6-units having a single garage. Therefore, 135 enclosed spaces. There's a total of 66 units and if they all had two units there would only be 132 parking places.

Jean Werbie:

John, what page are you on? I see where you are. It should be all of the units have a two car attached garage and one unit in each of the three 6-unit buildings has a three car attached garage so then the numbers add up. We should have had three car attached in there.

John Braig:

Okay. And the other item is the restriction to 80 percent of the buildings being owner occupied. That doesn't have any teeth in it, does it?

Jean Werbie:

We have a provision paragraph that has been written by an attorney that we have provided to each of the developers, and all the developers up to this point have incorporated that paragraph and have had it reviewed by their attorneys before it goes into both the PUD ordinance as well as the condominium declarations.

John Braig:

How is it enforced?

Mike Pollocoff:

It would be a zoning violation.

Jean Werbie:

It would be a zoning violation and a violation of their declarations.

John Braig:

But who is going to initiate action?

Jean Werbie:

It could be either of us. It could be the association that initiates the action or it could be the Village.

John Braig:

And what's the penalty?

Jean Werbie:

Just like any other zoning violation. It would start with a citation and then I would go—

John Braig:

You and I both know that there are many violations that nobody does anything about because nobody pays any attention to it. That you know of the violation but you do nothing about it.

Jean Werbie:

I would say typically it will be the property owners that live in that development that if they notice an issue or problem start to develop where there are a lot of rental units or units go into disrepair or they're not carrying their weight or if there's an issue with respect to how someone is living in a particular unit, that's how it will be brought up first. It will be through self-enforcement because these are all individuals that own their units there. So I assume that's how it's going to be brought up first.

John Braig:

But the Village would really not be involved in it?

Jean Werbie:

Not in the first instance.

John Braig:

As I see it, it's not enforced or won't be enforced.

Jean Werbie:

If someone brings it to my attention I will have to go through the zoning violation process to enforce it and I would work with our Village attorneys to enforce it.

Donald Hackbarth:

I move approval of the preliminary condominium plat.

Mike Serpe:

I'll second.

Mike Pollocoff:

Just one clarification. I want to make sure everybody is on the same page as far as the fiscal review. We're requiring, in order for the Village to be able to service this development, a developer's contribution of \$891 per unit in cost sharing. That's been agreed to and worked into the developer's pro forma? It has been, okay.

Thomas Terwall:

Otherwise I'm not going to support it.

Mike Pollocoff:

And we'll have that agreement put together before the Village Board votes on the preliminary plat.

Thomas Terwall:

And I would ask that be made a condition of the motion as well.

Jean Werbie:

I also wanted to mention that they had brought their sample boards with them this evening. The staff is still working with them to work out some of the details with respect to some of the colors and such. We haven't worked out all of those specifically yet, but prior to the PUD coming before the Plan Commission and the Board we will have worked through all the colors of all the pallets for each of their units.

Mike Serpe:

Just one last question. Bill, what is the approximate price of these units?

Bill Bodner:

The units will approximately be starting in the low 200's plus or minus. Certainly they're not bid out yet but starting in the low 200's and depending on extras we'll be into the mid 200's.

Thomas Terwall:

WE HAVE A MOTION BY DON HACKBARTH AND A SECOND BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE PRELIMINARY CONDOMINIUM PLAT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM INCLUDING THE \$891 FISCAL CONTRIBUTION TO MAKE IT MORE PLAUSIBLE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Mike Serpe:

Move approval of the zoning map amendment also.

Wayne Koessl:

I'll second it.

Thomas Terwall:

WE HAVE A MOTION BY MIKE SERPE AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING MAP AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered. What kind of a time frame are you looking at?

Bill Bodner:

Spring would be the goal. I would like to keep the process moving and be able to get my stuff on the next agenda if possible if we can get all our stuff in order. But the construction will probably start in the spring.

Thomas Terwall:

Thank you.

D. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of Phil Godin, agent for Sunny Prairie, LLC owner of a 4.7 acre property generally located between 45th and 47th Avenues at 109th Street for the proposed 5 single family lots to be known as Sunny Prairie.

Jean Werbie:

Mr. Chairman, members of the Plan Commission and audience, we have before us this evening a conceptual plan consideration at the request of Phil Godin, agent for Sunny Prairie, LLC, owner

of a 4.7 acre property generally located between 45th and 47th Avenues at 109th Street for the proposed five single family lots to be known as Sunny Prairie.

The petitioner is requesting to subdivide the 4.7 acres of land. They are proposing five single family lots to be known as Sunny Prairie. Three of the five lots will have frontage on 47th Avenue and two of the lots will have frontage on 45th Avenue and an eye-brow type cul-de-sac which will be constructed at 45th Avenue and 109th Street by the developer.

The proposed Sunny Prairie development is located in the Prairie Lane Neighborhood. Pursuant to the Village Comprehensive Plan, the Prairie Lane Neighborhood is classified as a Low Density Residential land use category wherein the average lot area within the neighborhood shall be 19,000 square feet or more per dwelling unit. The proposed Sunny Prairie Conceptual Plan complies with the Comprehensive Plan.

Under residential development, 4.7 acres of land is proposed to be developed into 5 single-family lots and 1 Outlot. The single family lots range in size from 23,003 square feet to 40,403 square feet per lot with the average lot size of 31,357 square feet. Each of the lots meets or exceeds the minimum requirements of the R-3, Urban Single Family Residential District, which requires each lot to be a minimum of 20,000 square feet with 100 feet of road frontage. All lots shall have a lot depth of at least 125 feet. A lot line adjustment is proposed with the property owner to the south. Approximately 3,049 square feet or 0.07 acre is proposed to be transferred from this property to the land to the south. This lot line adjustment shall be completed prior to consideration of the Preliminary Plat.

The entire development, after the lot line adjustment provides for a net density of 1.27 units per net acre.

Open space within the development, approximately 1 acre or 25% of the entire site is proposed to remain in open space. The open space within the development includes a wetlands, woodlands, a retention area and other open space:

Wetlands: A total of 0.59 acre or 25,760 square feet of the site has been field delineated as wetlands by the SEWRPC on August 3, 2006. These wetlands are located within Outlot 1 and will be located within a Dedicated Wetland Preservation and Protection, Access and Maintenance Easement. Note wetland stakings are valid for five years; therefore if the Final Plat does not come before us and is not approved within the five year time period, a redelineation of that area would be required. The field delineated wetlands will be rezoned into the C-1, Lowland Resource Conservancy District.

Woodlands: The existing trees greater than 10 inches have been identified on the property and are located adjacent to 47th Avenue and are located also the south property line. None of these trees are proposed to be removed. One of the trees that is located on lot 3 is located within a Tree Preservation and Protection, Access and Maintenance Easement and the trees along 47th Avenue are located within the Village's right-of-way. These easements shall be legally described and penalties will be required by the Restricted Covenants for removing the tree without permission.

Other open space: 0.39 acre of other open space located within the Outlot 1 and will remain as open space. A portion of this Outlot will be used for storm water retention facilities for this development. The Developer's Engineer shall evaluate the development

site, based on actual field conditions and at this point has presented a storm water management facility plan to the Village for review and approval.

In addition, and not included in the open space acreage above is the required 35 foot dedicated landscape, access and maintenance easement adjacent to 47th Avenue which is a local Village arterial. It is proposed that if the existing trees are removed, new trees and plantings will be installed within the designated easement by the developer. Street trees will be required to be planted within the right-of-way of 47th Avenue and within the 45th Avenue right-of-way. Detailed Landscaping Plans shall be submitted with the Preliminary Plat.

Outlot 1 is proposed to be dedicated, a fee interest transfer, to the Homeowner's Association. The Outlot shall be labeled as Dedicated by the Developer to the Homeowner's Association for Open Space, Storm Water Retention and Sanitary Sewer, Access and Maintenance Purposes. There will also be an area within Outlot 1 that is labeled as Dedicated for Wetland Preservation and Protection, Access and Maintenance Purposes.

Under population projections, based on the 2000 Census information for the Village, there is an average of 2.73 persons per household. School age children between the ages of 5 and 19 make up 23% of the population. Therefore, based on the currently shown five lots, it is projected that 14 persons will be added to the population upon full build-out of this development. The subdivision would likely generate three school age children and two public school age children. And this information has already been sent to the Kenosha Unified School District as well with the conceptual plan review.

Under zoning map amendment, the property is currently zoned A-2, General Agricultural District. The properties to the north, east and south within the Whispering Knoll and Mission Hills Subdivisions are zoned R-3, Urban Single Family Residential District and the wetlands within Whispering Knoll Subdivision are zoned C-1, Lowland Resource Conservancy District. Other lands to the south along 47th Avenue is zoned R-4, Urban Single Family Residential District, the land to the west is zoned R-4 (UHO), and the land to the southwest is zoned A-2, General Agricultural District.

A Zoning Map Amendment will be required to rezone the field delineated wetlands into the C-1 designation. And non-wetland areas of Outlot 1 will be placed into the PR-1, Park and Recreation District. The single family lots are proposed to go into the R-3, Urban Single Family Residential District. It is recommended that the lot line adjustment area that's going to be going to the south be placed into the R-4 District so it will mirror the district that that existing lot is in.

Under public improvements, no additional right-of-way will be required to be dedicated on 47th Avenue, and an eye-brow type cul-de-sac will be constructed on 45th Avenue/109th Street so a small piece of right of way will be dedicated there. The entire development shall be serviced by municipal sanitary sewer, water and storm sewer.

Municipal water will be extended south in 47th Avenue to the south boundary of the property line and water is existing in 45th Avenue and 109th Street with the newly construct Whispering Knolls Subdivision.

- Municipal sanitary sewer will be extended from the existing sewer located within 45th Avenue and 109th Street through an easement within Outlot 1 to service Lots 1, 2 and 3.
- Sanitary sewer service will not be provided within 47th Avenue from the north due to the grade of the roadway in relation to the existing sanitary sewer. When sewer is installed within 47th Avenue to service the properties on the west side of 47th Avenue, Lots 1, 2 and 3 within this development will not be required to pay any related special assessments for this sewer since they will not benefit for this future sewer service.
- 45th Avenue/109th Street eye-brow type cul-de-sac: Since Whispering Knoll Subdivision has recently installed the required 2nd phase, which is curb and gutter and paving, of public improvements, the Developer of Sunny Prairie will be required to remove the curb and gutter to the nearest joint and construct the eye-brow type cul-de-sac at 45th Avenue/109th Street. The developers of Whispering Knoll have requested that the Developer be allowed to construct the first and second phase required improvements at the same time within this eye-brow type cul-de-sac and that the third phase requirement improvements be installed at the same time as the third phase required public improvements are installed at the same time that the third phase is installed within Whispering Knoll. It looks like it's part of that development and they feel that it would improve the appearance of their subdivision if Sunny Prairie is not left with just gravel at that turn or that bend. That's something that does need to be discussed with the Village Administrator and it does require a variance for that to happen.
- Pursuant to the Village Park and Open Space Plan adopted by the Village on March 13, 2006, a future on-street bike trail is proposed on 47th Avenue adjacent to the development. This on-street bike trail on 47th Avenue will be constructed at the time that the roadway is widened. The Developer will be responsible for the paying for their fair share of 47th Avenue to an urban profile when that happens. Preliminary cost estimates will be provided upon submittal of the detailed engineering plans and these costs will be finalized at the time the Final Plat is considered. The cost shall be paid to the Village as a condition of the Final Plat approval.

Under right of recovery, a 10-year right-of-recovery could be afforded to the developer for water improvements proposed to be installed on 47th Avenue if, after holding a special assessment hearing, the project is approved by the Village Board. The actual costs for such improvements shall be provided at the time the Final Engineering is completed. Property owners on the west side of 47th Avenue would be will be required to pay the water special assessment costs only if they choose to connect to the municipal water main. Also, any new homes will be required to connect to municipal water and pay the special assessment prior to connecting to the water main. Also, any new lots created will be required to pay the special assessment prior to recording a CSM or a Plat. A Special Assessment public hearing for the off-site municipal water improvements will need to be scheduled by the Village Board related to these pending costs prior to approval of the Final Plat.

Under construction access, construction access for installation of public improvements and house construction will be required from 47th Avenue, for t^{he} homes on 47th Avenue, and 47th Avenue at 108th Street and then south on 45th Avenue to the development.

Under fiscal review, the developer needs to verify to the Village whether the \$891 per unit cost sharing contribution is going to be made by the developer for each of the lots within the development.

With that, I'd like to continue the public hearing. The developer and his representatives are here as well.

Thomas Terwall:

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

Phil Godin:

Good afternoon. I'm Phi Godin here on behalf of sunny Prairie. We appreciate the work we've had with Jean and her department. I think we've got this to a workable plan and it's very straight forward and probably very simple in what you fellows see. I'm happy to answer any questions you may have.

Thomas Terwall:

Thank you. Anybody else wishing to speak? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up.

Mike Serpe:

Phil, is it the intention that the people will build their own homes with their own builder?

Phil Godin:

Yes.

Mike Serpe:

So you're just going to market the land?

Phil Godin:

Yes.

Wayne Koessl:

If there is no other comment, Mr. Chairman, I'd move that we send a favorable recommendation to the Village Board to approve the conceptual plan subject to the Village staff report of October 23rd.

Thomas Terwall:

Subject to the \$891 per lot.

John Braig:

That is a condition?

Thomas Terwall:

Right.

John Braig:

I'll second the motion.

Donald Hackbarth:

Just a quickie. The eyebrow that you're talking about is this thing on my sheet on the right hand side? So access to lot 4 would be within that curve, or where would the access be for that?

Phil Godin:

Yes.

Mike Pollocoff:

From the cul-de-sac.

Donald Hackbarth:

From that little eyebrow cul-de-sac?

Phil Godin:

Yes.

Donald Hackbarth:

So between the two trees shown.

Thomas Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JOHN BRAIG TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CONCEPTUAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM INCLUDING THE WILLINGNESS OF THE DEVELOPER TO PAY A FISCAL CONTRIBUTION OF \$891 PER LOT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

E. Consider Plan Commission Resolution #06-19 to honor Donald H. Wruck.

Jean Werbie:

Mr. Chairman and members of the Plan Commission and audience, this past week one of our former Side Supervisors, Town Supervisor, Town Chairman, Village Plan Commission members, Town or Village Clerk members, Donald Wruck, passed away on Wednesday this week. The Village staff in discussing it with the Plan Commission Chairman has recommended that we consider and adopt a resolution to honor Donald H. Wruck for his many years of service to the Village of Pleasant Prairie.

The staff also took the time to put together a little scrapbook card from the Village staff and members of the Village to give to Mr. Wruck's widow, Ellie Wruck, and we gave that to them at the funeral this past week. Peggy is just going to show you some of the slides that were contained within that scrapbook and the photos that we put together. I would like to read the resolution to the Plan Commission and the audience and for the record.

This is Village of Pleasant Prairie Resolution #06-19, Resolution of the Village of Pleasant Prairie to honor Donald H. Wruck. Whereas, Donald H. Wruck has provided over 33 years of devoted and dedicated government service to the citizen of Pleasant Prairie; and

Whereas, Donald H. Wruck served as Town of Pleasant Prairie Side Supervisor from 1971 to 1977; and

Whereas, Donald H. Wruck served as Pleasant Prairie Town Board Chairman from 1981 to 1987; and

Whereas, Donald H. Wruck served as Pleasant Prairie Village Clerk from 1989 to 1991; and

Whereas, Donald H. Wruck served as Pleasant Prairie Village Trustee from 1993 to 1995; and

Whereas, Donald H. Wruck served as Pleasant Prairie Plan Commissioner from 1987 to 2004; and

Whereas, Donald H. Wruck was instrumental in the sewer/water negotiations with the City of Kenosha; and the incorporation of Pleasant Prairie from a town to a Village leading up to the incorporation in April of 1989; and

Whereas, on May 20, 1996 the Village Board adopted Resolution #96-43 to name the Beach Pavilion at Prairie Springs Park the Donald H. Wruck Pavilion for his critical role in the ongoing negotiations with McHenry Sand and Gravel for the transfer and acquisition of the land where Prairie Springs Park exists today and for his active role in the preservation of environmental features, especially in Chiwaukee Prairie; and

Whereas, Donald H. Wruck lived in Carol Beach for over 35 years and served as Treasurer and President of the Carol Beach Board of Property Owners Association when he was not serving on the Town Board; and

Whereas, Donald H. Wruck was involved in the first clean-ups for Carol Beach, and in the drainage of 85th Street, he considered his efforts to prevent further erosion of the Lake Michigan shoreline as one of his major accomplishments; and

Whereas, Donald H. Wruck was the guest of honor at the Carol Beach Property Owners Association annual Dinner in 1996; and

Whereas, Donald H. Wruck has always been a dedicated public servant serving the residents of Pleasant Prairie while being an advocate for quality development and the highest quality of life for the Village residents over the years.

Now, therefore, be it resolved on this 23rd day of October 2006 that the Village Plan Commission hereby honors Donald H. Wruck as a great man, friend, mentor and for the 33 years of his dedicated public service to Pleasant Prairie. Adopted this 23rd day of October, 2006.

Thomas Terwall:

Thanks, Jean, and thanks to your staff for preparing the resolution. I think it pretty much touched on his major accomplishments and there were many.

John Braig:

What is not said is this man did it with no political ambitions, no drive, no self-aggrandizement. This guy was a giving gentleman if there ever was one.

Wayne Koessler:

Before we adopt this could we have a moment of silence for Don? I so move to adopt Resolution 06-19.

Larry Zarletti:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY LARRY ZARLETTI TO ADOPT RESOLUTION 06-19. THOSE IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So carries.

I want to commend the Village Board who adopted the Resolution -43 naming the pavilion after Don. I know for a fact that Don took great pride in that honor and on many occasion he would drive through the park. Also I should point out that Don's grandson is also named Donald H. Wruck and he was known on more than one occasion to take dates and drive them out to the park to show them the pavilion that was named after him. I talked to him at the funeral home Friday night, I said Don we're going to continue to name the pavilion after you. He was glad to hear that.

7. ADJOURN

Wayne Koessl:

Move to adjourn.

Larry Zarletti:

Second.

Thomas Terwall:

Those in favor?

Voices:

Aye.

Thomas Terwall:

Opposed? So carries.