

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
November 13, 2006**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on November 13, 2006. Those in attendance were Thomas Terwall; Michael Serpe; Andrea Rode; John Braig; Larry Zarletti; and Judy Juliana. Donald Hackbarth, Wayne Koessl and Jim Bandura were excused. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**

Jean Werbie:

Mr. Chairman, I have three pieces of correspondence this evening for the Plan Commission to review at their leisure. The first is a legal comment from the League of Municipalities as it pertains to planned unit developments in Wisconsin and the type of zoning that is set up for those types of developments. As you know, we do a lot of PUDs in the Village, and this is the framework for which that authority is granted to the Village to do that, and there's some questions and answers and I thought it would be helpful for the Plan Commission to review that information.

The second piece of information is we do have the 2007 Pleasant Prairie Plan Commission and Village Board schedule out so that you can mark your calendars for the following year.

Then the third piece of correspondence is a brochure from the UW Extension office on local land use planning and zoning. It's their teleconference series, so if there's any interest from any of the Plan Commissioners with respect to attending any of these functions or any of these types of programs we would try to coordinate that for the Plan Commissioners. So with that I would ask that each of these items be received and filed.

Thomas Terwall:

Is there a motion to receive and file?

Larry Zarletti:

So moved.

Judy Juliana:

Second.

Thomas Terwall:

MOTION BY LARRY ZARLETTI AND A SECOND BY JUDY JULIANA TO RECEIVE AND FILE. ALL IN FAVOR SAY AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? I'd be remiss if I didn't comment on the UW Extension brochure and the fact that every one of these sessions is at mid day. For the 20 years that I was on the Board and now the six years that I've been off, they run these sessions at ten o'clock in the morning, and they're mainly for Plan Commission members. That's great for the guy who's retired, but if a guy's got a full-time job, and they will just absolutely not give in. So you do what you want.

4. CONSIDER THE MINUTES OF OCTOBER 9, 2006 PLAN COMMISSION MEETING.

Judy Juliana:

Move to approve.

Andrea Rode:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JUDY JULIANA AND SECONDED BY ANDREA RODE TO APPROVE THE MINUTES OF THE OCTOBER 9, 2006 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:

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

6. NEW BUSINESS

A PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #06-20 FOR AN AMENDMENT TO A PORTION OF THE SHERIDAN WOODS NEIGHBORHOOD PLAN for the request of JM Squared LLC, owner, for the 16 acre property generally located on the west side of 28th Avenue, south of 116th Street, at the approximate 11900 Block, to accommodate the proposed 20 lot single-family subdivision to be known as The Orchard Subdivision.

Thomas Terwall:

Jean, do you want a motion to take Items A and B together?

Jean Werbie:

Yes, please.

Andrea Rode:

So moved.

Thomas Terwall:

It will require a separate vote, but for purposes of discussion and presentation we'll take Items A and B together if it's approved by motion. Is there a second?

Judy Juliana:

Yes.

Thomas Terwall:

MOVED BY ANDREA RODE AND SECONDED BY JUDY JULIANA TO CONSIDER ITEMS A AND B TOGETHER AND VOTE ON THEM SEPARATELY. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for the request of JM Squared LLC, owner, for the 16 acre property generally located on the west side of 28th Avenue, south of 116th Street, at the approximate 11900 Block, for the proposed 20 lot single-family subdivision to be known as The Orchard Subdivision.

Jean Werbie:

Mr. Chairman, and members of the Plan Commission and the audience, we have two items that are for public hearing this evening, the first of which is Plan Commission Resolution 306-20 for an amendment to a portion of the Sheridan Woods Neighborhood Plan. This is at the request of JM Squared LLC, owner, for the 16 acre property generally located on the west side of 28th Avenue, south of 116th Street, at approximately the 11900 block. This is to accommodate a proposed 20 lot single-family subdivision to be known as The Orchard Subdivision.

Then the second item on the agenda related to that particular item is the consideration of a conceptual plan, again, for the request of JM Squared LLC for a 20 lot single family subdivision to be known as The Orchard Subdivision. As you indicated, we are going to be talking about the items at the same time, however, separate action will be required by the Plan Commission.

The first item is the neighborhood plan amendment. The subject property for the proposed Orchard Subdivision development is located within the Sheridan Woods Neighborhood. The entire Sheridan Woods Neighborhood is located north of 128th Street, which is the State Line, south of 116th Street, east of 39th Avenue and west of Sheridan Road. It's approximately a mile or mile and a half square area. Neighborhood plans are based on geographical areas or neighborhoods as delineated in the Village's Comprehensive Plan and are intended to provide the Village Plan Commission, Village Board and Village residents with an early opportunity to review future probable patterns of existing and proposed land uses within a particular neighborhood.

Neighborhood Plans take into account the compatibility of land uses, identifies how future land divisions could occur, plans how access roadways to the land divisions could be provided and examines the practicability of providing lot layouts, road layouts, parkways, open space areas, park areas, preservation areas, public community facilities, infrastructure improvements and municipal services to service the area. Neighborhood Planning is essential to the orderly growth of the community and establishes a framework as to how development should occur and, if and when it does occur. On August 13, 2001 the Plan Commission approved the Sheridan Woods Neighborhood Plan Alternative #2 with an addendum.

According to the Sheridan Woods Neighborhood Plan, the residential areas of the Neighborhood consist of the following. Approximately 525 acres of land within the neighborhood is proposed to be developed as Residential. In accordance with the Village Comprehensive Plan, the overall net density for the Sheridan Woods Neighborhood recommends that the Neighborhood be

developed within the Lower-Medium Density Residential category. What that means is that the net density should average between 12,000 and just under 19,000 square feet per dwelling unit. This allows for some areas of the Neighborhood to have larger lots while some areas may have smaller lots. Overall, the new single family lots in the neighborhood will need to have a minimum of 15,000 square feet. The net density of the Neighborhood as shown on the Sheridan Woods Neighborhood Plan is 21,108 square feet. This density is slightly less than the density allowed by the Village Comprehensive Plan.

At this time, the developers for the proposed The Orchard Subdivision single-family residential development are requesting to amend a portion of the Sheridan Woods Neighborhood Plan. In association with the Conceptual Plan prepared for this property, the portion of the Neighborhood Plan that the petitioner is requesting to be amended is generally located on the west side of 28th Avenue, as shown on the slide. It's south of 116th Street, at the approximate 11900 Block. The proposed amendments to the Neighborhood Plan generally affect the road configuration and single-family lot configuration in this immediate area of the neighborhood. The changes are outlined below.

- First, the currently proposed location of the short cul-de-sac, 120th Street or Orchard Drive, has shifted slightly north as it connects to 28th Avenue as a result of adjustments made to The Orchard single-family subdivision layout.
- The currently proposed configuration has been changed to include a longer cul-de-sac that bends southward, so it goes westward and then bends southward to access the western portion of the property.
- The currently proposed horseshoe-shaped road that loops and connects at two points to the west side of 28th Avenue has been eliminated. An existing accessory building at the southern end of the currently proposed loop road, as well as the existence of property owners who at this time do not want to further develop their properties, currently prohibits the creation of this roadway. Again, originally there was going to be a connection from 28th Avenue to the west so that this would be just a looped road or u-shaped road. But because of that area being vacated as a public road a while back and the property owner who lives there putting in an accessory structure and their desire not to develop that area, it does not allow for a connection at 28th Avenue at that location.
- An actual decrease in the number of single-family lots within this amended portion of the neighborhood is also being proposed from approximately 25 lots to the proposed 20 lots. One of the lots, which is actually on 28th Avenue and at the entrance, has an existing house which is intended to be razed and a new home will be built on that particular lot. So only 19 new lots will come as a result of this development.

This amendment to the Neighborhood Plan would provide for a slight decrease in the residential units within the neighborhood, thus adjusting the net density downward slightly. The density is in compliance with the Village's Comprehensive Plan.

Based on the 2000 U.S. Census information for the Village of Pleasant Prairie, the average number of persons per household is 2.73, and school age children between the ages of 5 and 19 make up 23% of the population. Therefore, this amendment will have a slight decrease in the

total number of school age children within this particular neighborhood. As you know, all of this information with respect to proposed school age children and new development has been provided and continues to be provided to Kenosha Unified School District for them to be using this information to assist in their long-range planning.

The Conceptual Plan specifically for this project then. In accordance with the Village Comprehensive Plan, the neighborhood is classified as being within a Lower-Medium Density Residential land use category. The Conceptual Plan as presented this evening also shows that density.

Under proposed residential development a total of 15.341 acres of land is proposed to be developed into 20 single family lots and two outlots. The proposed single family lots range in size from 17,725 square feet, Lot 10, to 35,645 square feet, which is Lot 20, with an average lot size of over a half acre at 22,738 square feet. Each of the lots meets or exceeds the minimum R-4 District requirements.

Corner lots 14 and 19 shall be increased in size resulting in a decrease of lots 15 through 18 to allow for building setbacks from the two abutting streets. One of the first things when we were evaluating their conceptual plan is to at each of the lots to see if they met the minimums of the conceptual plan. We're recommending that corner lots be increased in size because of the two street frontages for both of them.

The other thing that needs to be considered this evening with respect to the street names is to determine whether or not the long dead ended cul-de-sac should be named a name, Orchard Drive, or it should be labeled a street and an avenue similar to the other roadway systems in the Village of Pleasant Prairie. The entire development provides for a net density of 1.75 units per net acre.

The existing 28th Avenue residential development was evaluated. Currently there are a total of 35 single-family dwellings and two vacant lots with frontage on 28th Avenue, south of 116th Street. The majority of these lots are zoned R-4. The R-4 District requires a minimum lot width of 90 feet on a public road and a minimum of 15,000 square feet of lot area. Of the 35 properties, three lots are zoned C-2, which is Conservancy zoning, one lot is zoned A-2, which is a General Agricultural zoning. Depending on the location of the dwelling on the parcels and depending upon the potential lot area, it appears that only three of these R-4 zoned lots has sufficient frontage, a minimum of 180 feet, to afford the owners the opportunity to divide their parcels into two lots. Again, what we were trying to take a look at is how many potential homes or lots could there be on 28th Avenue in taking a look at the entire development area.

With respect to the development there are two outlots. Outlot 1 is proposed to be improved with a storm water retention pond, which is up towards 28th Avenue at the south end abutting 28th avenue. And Outlot 2 is also proposed to be developed with a storm water retention pond, and this would be adjacent to the bike trail just on the east side, actually just south of a wetland area that was delineated on the property.

Under population projections, based on the 2000 U.S. Census based on the 20 lots it's projected that 55 persons may likely be added to the population upon full build out of these lots. The subdivision would likely generate 13 school aged children, and pursuant to the percentages given

to us by the Unified School Children, a total of eight public school aged children are likely to come from this development.

Under the zoning map amendment, the entirety property is currently zoned A-2, General Agricultural District. It's the former site of the Zelly Apple Orchard. A Zoning Map Amendment will be required to rezone the property in order to accommodate the proposed development. Again, they are proposing single family residential development. While initially they were proposing an R-4 sized development where the lots had a minimum width of 90 feet and 15,000 square feet in area, the staff is suggesting that they take a look at an R-3 which is a minimum half acre lots for all of the properties within that development. We have a small analysis that we put together in the staff comments that would reflect that zoning change.

We're also recommending that any outlots, excluding the wetlands, would be put into the PR-1, Park and Recreation District. And any of the wetlands that were field delineated on the property that they be placed into the C-1, Lowland Resource Conservancy District.

Specifically with respect to this project if it would move forward as it's presented, there would be two variances that would need to be sought. First, the depth of Lot 3, which is as you're coming into the development on the south side, it's less than the required minimum of 125 feet. The Village's Land Division and Development Control Ordinance would need to be modified with respect to lot depth in order to accommodate that particular property.

The second variance is that the plan proposes that the lots be located on a dead ended cul-de-sac that's 1,300 feet in length. Pursuant to the Village's Land Ordinance, any cul-de-sacs that exceed 800 feet in length would require a variance from the Village Board prior to their approval.

With respect to open space, approximately 1.97 acres or 13 percent of the entire approximate 15 acre site is proposed to remain in open space. The open space within the development includes wetlands, woodlands, storm water retention areas and other open space.

Approximately 3 percent of the site has been field delineated by Thompson & Associates on August 7, 2006 as wetlands. The wetland area is located within Outlot 2 at the southwest corner of the site adjacent to the Kenosha County Bike Trail. The wetlands comprise 42 percent of Outlot 2. The field delineated wetlands shall be approved by the Wisconsin DNR and shall be protected through the C-1 zoning. In a letter dated October 31, 2006, the Corps of Engineers has stated concurrence with the delineation as completed by Thompson & Associates.

Under woodlands, a detailed tree survey was prepared by Capitol Surveying & Engineering in October of 2006. A number of apple trees will be removed from the site; however, many of the other wooded areas and trees along the perimeter of the conceptual plan area will be preserved and placed into dedicated tree preservation and protection easement areas.

Under other open space, 1.97 acres has been identified within Outlots 1 and 2 as open space. A portion of Outlots 1 and 2 will be used for storm water retention facilities as well as open areas. In addition, and not included in the open space acreage above, there is a 35 foot wide dedicated landscape, access and maintenance easement which is adjacent to 28th Avenue which will be preserved for open space and planting.

With respect to site access, the development will have one public street access point onto 28th Avenue as proposed at approximately 120th Street. The developer has identified it as Orchard Drive. The Conceptual Plan allows for the potential future road connection to the north near the bend in the proposed Orchard Drive if, in fact, the land owner to the north would ever want to develop his land further or subdivide his property. The staff has looked at a number of other alternatives with respect to site access again. The neighborhood plan had originally identified that there be a connection at the south end to the east of 28th Avenue. Again, that looks like that's not going to be a possibility, and another possibility that we will likely be talking about is a possible connection to the south, but we will need to see if willing developers are able to work together to make that happen.

Under public improvements, an additional 8.01 feet of right of way is being dedicated along 28th Avenue adjacent to the site which would create a 33 foot wide west one-half right of way as measured from the center line for 28th Avenue in front of this property.

The next area I'd like to talk about is municipal water. As you know, the Village does require that municipal water systems be looped for all new subdivisions that go into the Village. So the next thing we're going to talk about is the ability of the developer to loop this particular system. And we have outlined a number of different ways that this could happen, but all of them pretty much take the cooperation by the adjacent landowners, developers or an adjacent association. The Orchard subdivision shall be serviced by municipal water which shall be a looped system. At this time the exact location of the municipal water main is to be determined due to the potential need to acquire easements from adjacent property owners and from the Kenosha County Bike Trail should the water be connected underneath the bike trail. The nearest municipal water is west across the bike trail in the Prairie Trails West Subdivision.

Municipal water is also available from the north in 116th Street and will be available to the south at a future time when the Prairie Trails East Subdivision is developed. The Prairie Trails East Subdivision received Village Board conditional preliminary plat approval in February of 2006. If the developer chooses to extend the water from the Prairie Trails East Subdivision, then it becomes a matter of timing whereby the water for the Prairie Trails East Subdivision will have to be installed prior to The Orchard connecting to the system.

There are several options as identified on the slide for the extension of municipal water.

- Extend water southward from 116th Avenue approximately 1,700 feet within the 28th Avenue right of way.
- Extend water westward from the Prairie Trails West Subdivision, via easements and underneath the Bike Trail, need Kenosha County approval/easement.
- Extend water westward from the Brandenburg property, and I believe the developer had an opportunity to speak with that landowner, via easements and underneath the Bike Trail. The Concept Plan depicts this possible water route; however, according to the applicant, the Brandenburgs may not be interested in providing an easement at this time for water.

- Extend water northward from the Prairie Trails East Subdivision, approximately 900 feet within the 28th Avenue right-of-way, upon the development of Prairie Trails East Subdivision.
- Another option is to loop the water system through the end of the southernmost cul-de-sac within The Orchard Subdivision, then south via easements to the cul-de-sac in the Prairie Trails East Subdivision. So there's a number of options for connection the system for municipal water.

For municipal sanitary sewer, it will need to be extended from the existing sewer located in 28th Avenue and will extend throughout the development.

28th Avenue. In order to determine potential 28th Avenue roadway impacts due to construction traffic and infrastructure construction, the developer shall provide to the Village a 28th Avenue pre-construction and post-construction roadway analysis to allow the Village to monitor and evaluate the traffic impact and roadway conditions of the development. If any work occurs within the 28th Avenue right-of-way that causes damage to the road or if construction vehicles damage the roadway, the developer will be responsible for the repairs and the cost of these repairs to the roadway and right-of-way. The Village Public Works Department shall monitor 28th Avenue and shall determine the damages, if any, to the roadway. That's one thing that we need to have some further discussion on this evening.

Road Connection. As previously noted, the Prairie Trails East Subdivision received conditional Preliminary Plat approval earlier this year. Similar to the possibility of looping the water main to Prairie Trails East, the same potential could possibly exist if there's cooperating, willing developers to loop the roadway system from the end of this cul-de-sac to the cul-de-sac in the northern end of the Prairie Trails East development. The slide that you see kind of shows where the interconnection could possibly occur. It would involve the loss of probably a lot from each of the developments, but it may allow for an interconnection. Again, the overall Neighborhood Plan still identifies at this point that we still are only look for the connection south to the State Line or the two connections north at 26th and 28th Avenues to 116th Street. As you know, the crossing of a public roadway over the bike trail is not a possibility and has been ruled out by the DNR and by the Federal Department of Interior, so we will not be able to cross the bike trail but for an emergency lane which is gated. So because of that it will not be able to be used for traffic going east/west over the bike trail.

Construction Vehicle Access. The Orchard Subdivision will need to come to the development from 28th Avenue either from the north or the south. Again, it would need to be monitored with respect to what type of damage that that might do on the existing roadway since the existing roadway is old and it is very narrow and broken in some parts.

Under fiscal review. A fiscal impact analysis shall be completed by the Village staff for the proposed The Orchard Subdivision development as it relates to the amount of Village tax dollars collected from the development and the level of Village services required to serve the development. The Village staff will work towards completing the analysis for the development. In order for this proposed development to pay for itself, the developer needs to willingly agree to provide a donation to the Village to address any shortfalls in funding or fees collected for police, fire/EMS, public works and transportation. Based upon the currently proposed 20 lots, the developer shall be willing to donate a total of an additional \$17,820 prorated at the time of lot

sale of \$891 per lot. This is something we've talked about with other developments that have been proposed to the Village. A detailed cost sharing agreement will need to be executed between the Village and the developer which addresses all the related contributions to be made to the Village.

The Village did receive one piece of correspondence from a Ms. Carol Alter. I'm not sure if she's here or not this evening but I can read her letter into the record as part of the public hearing if, in fact, she is not here or someone else isn't present to present that.

So what I'd like to do is continue the public hearing. The developer is here in the audience. I'm sure that they'd like to make an added presentation. I believe the residents have some concerns that have to do with storm water, have to do with access, the size of the homes and lots and various things like that. My information was to provide an overview at this point.

Thomas Terwall:

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

John Roscioli:

My name is John Roscioli, and I'm a representative of JM Squared. There are four of us and we're all in attendance. We also had a public, not meeting, it wasn't for the Village, but for the neighbors of the future subdivision to come and address their concerns with us. We've brought with our engineers to kind of explain where we're going from here on out. I just wanted to thank you for your time.

Christopher Jackson:

My name is Christopher Jackson. I'm from CJ Engineering. My address is 13005 West Bluemound in Brookfield, Wisconsin, and I'm the engineer for this development. On October 25th we had a neighborhood meeting here in this room where we invited the neighbors in the adjacent area to come and speak their concerns. In addition to what Jean has summarized and added, I would like to supplement some of that information with how we addressed some of the concerns, what some of their concerns are, and some of the changes that we've made since this project was initially submitted.

Originally when this development was considered or proposed, we were looking at the master plan and came up with the density based on the R-4 zoning and ended up with a development that was around 26 or 27 lots. With inability to get two roadway connections, we revisited and decided that, okay, because we can't get the second connection we have to limit the lot density to 20 lots. That was the plan that was presented on the 25th of October.

The concerns raised at the neighborhood meeting in no particular order were density, traffic, storm water drainage, preservation of trees, taxes, municipal water and the condition of 28th Avenue. In re-evaluating the development in light of these comments, we decided at the recommendation of staff to go for an R-3 zoning with the minimum lot size of 20,000 square foot lots. The net result was a reduction from 20 lots to 19 lots to meet the requirement. We also, as part of the Conceptual Plan, we did a complete storm water analysis of the existing and proposed conditions.

The existing development basically drains into two areas. One is towards the southwest towards an existing wetland area which has been delineated and will be preserved. The other is drainage kind of this way towards 28th Avenue, some in the rear of the lot and some kind of coming through in a small swale over to the existing ditch on 28th Avenue. Analyzing existing flows during various storm events, in quick summary, the 100 year storm event coming out towards this direction is about 17.2 CFS and out this way is 13.65 CFS.

As you are aware, there are strict storm water management requirements that the Village is requiring for this. They are asking that we go for the future storm water requirements which aren't even in effect now but probably will be in effect by the time that this plan is completed. As part of this development we're proposing two storm water management facilities, two ponds. There will be a berm and a ditch that will protect the drainage from entering onto the neighbors' lots. There will be a berm and a ditch in through here that will direct the water to the two ponds. There will be landscaped berms here with plantings that will screen this pond and also the development from 20th Avenue.

The water afterwards, after it enters the storm water facility, will be reduced. It will be discharged into the wetland after water quality is achieved and also into the existing ditch on 28th Avenue. After development the 100 year runoff entering the wetlands will only be 1.57 CFS versus the 13.65 under existing conditions. And entering 28th Avenue will only be 1.75 also compared to 17.2 CFS under the existing conditions.

We've identified, as Jean mentioned, all of the trees on the site. All significant oak trees are being preserved on the site. There was one clarification in the original review over a couple oak trees right here on Outlot 3 that are now shown to remain and be protected. The developers have in addition to coming here and developing they propose to occupy four of the lots, so the concern of the character and the high quality of development is very important to them. So these considerations were taken with great weight. I'll be happy to answer any questions.

Thomas Terwall:

Thank you. Is there anybody else wishing to speak on this issue?

Mike Renner:

Hi, my name is Mike Renner. I live at 3211 122nd Street. As far as the meeting on the 25th, I'm not aware of anyone in Prairie Trails West being contacted for that meeting. In fact, some of the homeowners are here who live along there that got the meeting notice for this meeting, but they didn't get anything for that. A lot of the questions I had Jean had already answered with her presentation. I might suggest it would be nice to get these notices.

One of the questions I have is with the bike trail crossing when we had that whole issue there was a lot of concerns about safety in the Prairie Trails East Subdivision, and I see in here now we have a cul-de-sac that's going to be farther off the road and asking for a variance. I'm just wondering why that's going to be allowed because there was a lot of concern about that. There was a lot of concern about school buses, snow plows, safety issues. They're still going to have to come down 28th Avenue. Even if there's an emergency crossing across the bike trail they would

have to really loop around to get to that subdivision. So I'd like to know how those are going to be answered.

Another concern I have is, as you know, someone went into the pond and drowned in our residential area, and here you have a sharp right turn into where there's a big outlot retention pond. Is there going to be anything to mitigate that? Those are mainly my concerns. Thank you.

Thomas Terwall:

Anybody else?

Rhonda Roswick:

Rhonda Roswick. I live at 11917 28th Avenue. My biggest concern is just the construction traffic because it is a very narrow street and I know Jean said we're going to address that. But just if we could look at a different way for the construction vehicles to get in and out. We do have children on the road. Most of the time if there's a big construction vehicle we cannot even get another car down that road. So if we could look at that. And I do applaud them for putting all the landscaping in. We appreciate that.

Thomas Terwall:

Anybody else?

Glen Erickson:

Glen Erickson, 11710 28th Avenue. I live by Barnes Creek. Barnes Creek is a natural waterway as far as I know. Are you telling me that no rain water will come into Barnes Creek and flood my property? That's correct?

(Inaudible)

Christopher Jackson:

The existing drainage pattern of 28th Avenue has a high point or a . . . at this point. Everything to the north of that flows to the creek. Everything to the south of it flows down to Prairie Trails East Subdivision.

Glen Erickson:

. . . ditches on 28th Avenue . . .

Christopher Jackson:

Not to my knowledge, no.

Glen Erickson:

. . . water down to my property?

Christopher Jackson:

Not to my knowledge, no. That wouldn't make sense. We'll take the way the water naturally goes now and we wouldn't change that.

(Inaudible)

Jeff Patterson:

Jeff Patterson. I'm on 32nd Avenue. My concern, too, again is the drainage from this pond here. You're proposing that this water is going to drain in this direction? I mean just from living over here I know that the natural drainage of the land is towards the lake. When it goes down here where is it going to go from there, or is it just going to pool in Prairie Trails East that doesn't exist? Again, our pond is over here. I'm curious as to which direction our pond drains underneath the bike path. Is it going to hook up with this pond? I don't understand the drainage. Thanks.

Thomas Terwall:

Anybody else?

Rick Renzulli:

Rick Renzulli, 12126 28th Avenue. If it's just the four families coming in there to build your homes welcome to the neighborhood. If you have to build all these other homes so that your homes are free, then I don't want this. The gentleman that spoke right before me is 100 percent accurate. There's already a retention pond on the west side of that bike trail, and there's a culvert pipe that comes underneath that bike trail that will come through that orchard. The natural flow is into our backyards. We all know what happened back in 2000. I took that pretty well. I won't take it well again. I can't.

I also don't want all that construction traffic down 28th Avenue. As I'm foreseeing this, the way my luck has been going, the water is probably going to come from Prairie Trails East past the front of my house to service The Orchard Subdivision. I don't know why they call it Orchard. All the apple trees are going to be cut down. Anyways, I had to get up to say I disagree with this. If it's just those four families, and you guys got a good price because the guy across the street from me paid \$126,000 for one acre. Now, you guys paid \$540,000 for 16 acres. You guys got a good deal on that property. Build your homes, welcome to the neighborhood, it's a great neighborhood, but we don't need four times or five times that amount of homes back in there. Thanks.

Ron Godbold:

I'm Ron Godbold at 12011 28th Avenue directly across the street from this subdivision. I'm totally against this subdivision with the amount of homes going in here, 20 homes, alright. I'm sure everybody is familiar with that area. It is rural. All the majority of the places are acre or acre and a half. There's some fives. I think the slightest we have there is maybe a half acre just down the street from me. Twenty homes across the street from my property will look like Gotham City, compacted completely within 15 acres. I'm sorry, I don't agree with it. I agree

with the other man also. How can you call this Orchard Subdivision when there's no orchards left and just the perimeter of the thing.

The main concern also is the traffic down that street. Our children come and go down the street from the school buses from 116th Street. You have emergency vehicles with older people down that road. That road is a rural road. It is not up to par for construction traffic with the loads that they're going to be taking out of there. One other concern of mine is if all those trees after those trees are being taken out and that is that going to be graded down and the topsoil taken off and just a minimum put on to where then you have a base of clay underneath. My water table at my place is 18 inches and that's it. So after heavy rains and that I have puddles of water in the back of my property. I have an acre and a quarter there.

These retention ponds we were told here, we met with them the last time here for the public meeting concerning with them, we were told that the one pond directly across the street from us, the retention pond, after it filled up it would go into the ditch and it goes south. It does not go south. All this water runs north. And if I'm not mistaken back in 2000 and prior to that there's a home right next to that Tobin Creek that was flooded out considerably with about three foot of water within that house. The people eventually moved out and we know the neighbors now. I'm just totally against this. Like he said I could see maybe six houses at the most but other than that no way.

Thomas Terwall:

Thank you. Anybody else?

Donna Selfeld:

Hi, my name is Donna Selfeld and I live at 1223 133rd Court. I'm a resident of Pleasant Prairie West. My parents just bought the house directly on the pond in our subdivision and they're elderly and they're unable to come tonight. But my father, being 89 years of age and on oxygen, he asked me to present the fact that you're going to be losing the name Prairie in the Town Village name of Pleasant Prairie if the building continues. I can't believe in the short time since we've lived here going on nine months the amount of construction going on. So I, of course, am concerned as everyone else is with the flooding issues and the displacement of water. And I'm also upset with Pickus's division going up and now this one going up. I just find it very upsetting that all the prairie land is being torn up and turned into subdivisions. Thank you.

Thomas Terwall:

Anybody else?

Earl Owens:

Earl Owens, 11637 28th Avenue. My concern is also the water problem. I'm on the east side of Barnes Creek. It's a problem. It's a problem now, and if we get more flowage there it's going to be a bigger problem. My side of the ditch is probably 10 or 12 feet deep and it's maybe 15, 16, 18 feet wide. So that needs to be addressed. If that water does come north you're going to have some major problems. Also the traffic. That construction traffic the last time we had problems

with moving houses and that tile underneath that road was collapsed which probably helped that guy get flooded out. However, it's at maximum limits when you have bad storms. Thanks.

Thomas Terwall:

Thank you. Anybody else?

Mike Willkom:

Mike Willkom, 11904 28th Avenue. I've got three major reasons why this proposal I'm not in favor of. One, the size of the lots are not consistent with the neighborhoods that are immediate, or the lots that are immediately around this proposed subdivision. Do you have the neighborhood plan? My lot is this one here, D. It's 8 1/4 acres. My neighbors, Kim's, are on this lot at 3.2 acres. And we've got next to them 2.9 acres, this lot here. I've got my neighbor to the north at 2.2 acres, and then I've got Stenholtz here at 6.9 acres. The point is that all of these lots that are immediately surrounding this proposed subdivision are between 2.2 and 8.4 which is my lot. It's not being consistent with what we currently have.

When the neighborhood plan was drawn up, if I understood the purpose for the neighborhood plan, you want to create consistency and direction for what it could look like. Well, what you're proposing is not a neighborhood plan that fits. What you're doing is you're taking a piece of a neighborhood plan and trying to fit it in with what we currently have. My neighbor at the end of the cul-de-sac decided not to sell out and this access is not going to go in. This access to this loop in the neighborhood plan is cutting right through the middle of my property and using my driveway as an access. So the new proposal creates these cul-de-sacs. This cul-de-sac and a cul-de-sac here.

Again, if the neighborhood plan was followed we've got consistent sized lots throughout the development, but this isn't the proposal. We're taking a piece of this and trying to fit it in and my point is it just doesn't fit. It is not consistent.

Two, we have a substandard road in 28th Avenue. 28th Avenue is a very narrow road. We have a front door that's less than 20 feet from the road. It was never designed to create the kind of traffic that we have, the kind of traffic that we're going to have when Prairie Trails East comes into development. This is just going to compound a problem that is going to get worse.

My last concern is that this, again, ties into my first point this is not what was planned. We're trying to fit something in that doesn't fit. As my grandpa would say we're trying to fit 20 pounds of groceries in a 10 pound bag. We're all for development. We'll welcome our new neighbors. We just want to keep it consistent so for the benefit of Pleasant Prairie, for the benefit of the existing neighbors, that we're all not negatively altered to this degree. Thank you.

Thomas Terwall:

Anybody else?

Mike Kim:

I'm Mike Kim. I live at 12030 28th Avenue. My property actually will be adjacent to the proposed subdivision on two sides. Most of the concern of the residents in the neighborhood

have been addressed and those are the same concerns I have. Another thing I'd like to add is I'm concerned about the light pollution also. When I first moved in there about nine years ago you couldn't walk ten feet in front of you before you stumbled on something because it was so dark. Now it's never dark there. And so when you put 20 more houses in that area just from the lights from the back porch and things would add more light to that area.

I'm also concerned about the water drainage. We have standing water on the north side of our property every year and it comes over into our property. It used to wash away our driveway every year. We've since asphalted it, but I can't imagine the water being stopped after tearing up all the ground, taking all the dirt away and leaving two inches of top soil. Thank you.

Tom Terwall:

Anybody else?

Cindy Godbold:

My name is Cindy Godbold. I live at 12011 28th Avenue. My husband spoke earlier. We live right across the street from this Orchard Subdivision. There are a couple concerns. Mine are basically what everybody else is. We don't want this. Could we do anything about it? I don't know. I really don't know. We're trying. I appreciate going up to 20,000 square feet instead of the 15,000, but I got on your website and it said the Plan Commission is to accomplish a well coordinated, balanced and harmonious development for the community while promoting a quality of life. This isn't going to do it.

There's a couple other concerns I have. The detention pond right across the street from my house, I think it is dangerous. All of our kids walk on this street. My kids not anymore because they're bigger now, but the kids going to school back and forth. Kids will be kids. They see a detention pond over there, water, because they have fun. They're going to play in the summer. They're going to play with it in the winter when it gets icy. I think that is going to be very dangerous.

I know the developers are upset. They're upset with us. They're probably upset with me. I really don't care and I'm sorry. The \$891 that they're going to contribute to the Village isn't nothing. It's nothing. It's a drop in the bucket for these guys. People are going to be driving their cars in and out of that lot and who is it going to bother. Me. Vi unfortunately she couldn't come today but she's an older woman and the headlights are going to come in and out and in and out. And of course there are going to be streetlights which is going to be, you know, up all night. It will be lit up all night because you've got to have lights for them to see where they're going.

When we moved to the Village, we've been here about 15 years now, we moved here because it was a Village, not because it's a city which it is becoming. The population is just astronomical. We can't afford the plow that we voted on or the ambulance. Why do we need all these things? Because we have more people coming. If we didn't have more people coming we wouldn't need all these things or maybe as many. We need help from you guys. We need for you to take us into consideration. In making their dreams come true don't make ours a nightmare. Thank you.

Thomas Terwall:

Anybody else? I'm going to close the public hearing and open it up to questions from Commissioners and staff. Before I do—

Jean Werbie:

I need to read a letter into the record as part of the public hearing. This is Exhibit 1 in your packets. “My name is Carol Alter, my residence is 11920 28th Avenue. My property is surrounded on two sides - south and west - by the proposed 20-lot single-family subdivision to be known as the Orchard Subdivision. Since I will not be available to attend this meeting, I submit the following observations and requests for consideration.

“I purchased my land from Joe and Livia Szele and built my home six years ago. I know at that time there was a strong possibility the remaining property of the non-producing orchard would someday be developed into a subdivision since Pleasant Prairie was heading in this direction overall. While I hoped there would be more time before the realization of this development, I can completely understand the need on Joe and Livia’s part in selling now. With this in mind, I accept the reality of this subdivision as it would be fruitless to ask rezoning not to be approved but I also would not be able to say, ‘yes I support rezoning’ unless a few items be addressed and agreed upon by the developers.

1. Since a precedent was set in not allowing the developers of Prairie Trails East access their site with trucks and machinery down 28th Avenue due to the condition and narrowness of our street, I ask that this stipulation apply to the development of Orchard Subdivision. They should be accessing this development by the same access road as Prairie Trails East, via Russell Road.
2. The location of the detention pond on 28th Avenue would pose a safety issue and also not be aesthetic to the existing neighborhood. I would propose the developers be asked to set aside an easement the entire length of the detention pond facing 28th Avenue to be planted in conifer trees and bushes and that the pond be surrounded with fencing.
3. I would also ask the developers not place any sign designating the name of the subdivision thus setting them apart from the existing neighborhood - the required street sign for the new street should be adequate in directing people to their addresses and any additional sign would be pretentious. This is a simple country lane and we would like to preserve as much of the existing atmosphere as possible.

“I ask that the above stipulations be approved so that the residents on 28th Avenue not be forced to lose our dreams so that others can realize theirs. Please help us preserve as much of the feel of our current neighborhood as possible. Thank you, Carol Alter.”

Thomas Terwall:

Any comments from staff on issues raised tonight?

Jean Werbie:

I think to respond to the first comment that Mike Renner had made when he has asked about the public safety for a cul-de-sac length that extends beyond 800 feet, the Village Board has in the past granted variances on a case-by-case basis for cul-de-sacs that have extended beyond the 800 feet as long as it was determined that adequate access and turnaround movements could be provided to the end of the cul-de-sac and there is a limited number of residential lots on the cul-de-sac road. At least the last portion of the cul-de-sac is within a 37 foot wide back-to-back curb and gutter subdivision, so the Village Board would have to make that determination as to whether or not 28th Avenue still fulfilled that same requirement to allow police and fire and other emergency vehicles to get down to the end of the cul-de-sac. Also, 28th Avenue will connect to both the north and south two directions for access.

The second item that was mentioned was with respect to the safety of the retention basin. The Wisconsin DNR for water quality purposes does require that the basins be wet basins, not dry basins. And typically a developer and their engineers will locate these basins in areas where it's the lowest in elevation in order to minimize the amount of grading on the site. So since the site is kind of split with respect to the two directions that the drainage is currently going, they have identified two locations for the retention basins, one at the street and one along the bike trail.

In most subdivisions, it's been the desire of the Village not to fence in the retention basins just because if, in fact, some child or a dog gets in that basin, it's much more difficult to see who is there or who may need help. They might be having a problem or drowning or something to that effect, and so from that point we have never fenced any of our basins other than like a see through fence, such as a split rail fence or some landscaping. But we've never closed them off completely because of the fact that it becomes an even greater danger. The basins could be bollard or treed in front in order to prevent cars from going into them, but to prevent them from being seen from the public's eye that has always been a danger.

With respect to construction traffic access that is something that we do need to address as to how access is going to be provided. If 28th Avenue is used for their construction activity, whether it's building the roads or the homes, we need to make sure that that road can be adequately repaired so that it's not falling apart once those homeowners take occupancy.

Thomas Terwall:

Will the cul-de-sac as proposed have sufficient diameter for emergency vehicles and fire trucks to turn around at the end?

Jean Werbie:

Yes, it will meet the Village's standards.

Thomas Terwall:

Snowplows will not have to back down it?

Jean Werbie:

No.

Mike Pollocoff:

A couple other things were pointed out with respect to the traffic. When the Village constructed sanitary sewer in 28th Avenue we had significant problems with sections of that road for a couple reasons. One is the soils tend to be unclassified, a little bit sloppy, wet. There is a significant table of top soil in that area. As one gentleman indicated the water table does tend to run high. We had to do significant dewatering in that area to be able to do the trench. So what that means is during construction the trucks that deliver stone to the site or haul excavated soils out, because I don't think they lay the dirt balance out for how much needs to be graded, that's tough on the road. The delivery of manholes, pipes, things like that those are heavy loads that come in on that road.

When we completed our sanitary sewer work we basically overlaid what we had there. We pulverized the existing asphalt and overlaid it. But the road isn't wearing as good as you'd like to see a road wear. If you were building a road in there today you would go in and scrape that existing soil out, you'd widen out the road a little bit, change the ditches out, taper them, make them shallow ditches, but in the course of that you get closer to some houses that were built prior to modern setbacks. You take out a lot of trees that people have planted in reliance of this is my road, this is my yard, I put my trees in my yard. So I think the practical matter of changing that road is a difficult thing to do.

When a subdivision does take place after initial construction, we found on Village roads that in new subdivisions there's a significant amount of stress to the road that comes in after the first course of gravel is put in. Just the loads that are required when someone is building a house and the cement trucks come in and pour the basement, the trucks that deliver the bricks for the walls, the trusses. That takes a toll on the new subdivision road and we won't let a subdivider pave that road until 50 percent of the homes have been completed, completely done. Then we'll let that first phase of asphalt go in and then the last phase goes in when they're above 75 percent occupied with homes.

So one of the things that would have to be worked out, and the staff hasn't evaluated what would be the best way, whether it comes from the south when Prairie Trails does develop and we don't know when that would happen, or 116th Street, there's going to have to be funds set aside from the developer to bring 28th Avenue back up to its original condition or a usable condition. The Village doesn't have the funds to do that. That would have to be guaranteed and that would have to be part of the development that those funds are set aside in order to bring 28th back to its normal condition whichever direction they go.

In response to storm water in this area. There are no storm water improvements other than not much of an improvement, the culvert underneath 28th Avenue at Tobin Creek. I heard it referred to as Barnes Creek a couple times. We in our storm water plan refer to it as Tobin Creek. My review of what they presented is that if, in fact, they do what they've indicated, that water won't go to Tobin Creek. It would go to the south and east. One of the problems is from there, there isn't a creek for it to go to. It kind of follows some drainage patterns that head out to the south

primarily after they've moved through the land from west to east. So we'd have to look at those and make sure that that's addressed.

A couple of people mentioned that there were houses flooded along Tobin Creek, and there was a house that was inundated with water, but that person who built that house was in violation of the building permit and put a walkout basement that was below the elevation of the stream. So when the stream came up the water went to the basement instead of going where it should. So that's why that flooding occurred. It wasn't because of the stream. It was because the house's elevation was too low and that was corrected.

That being said, that's a problematic area. The Village has constructed a storm water detention basin in the Pleasant Homes subdivision which picks up water coming from basically what would be 51st Avenue if that extended all the way to the State Line. It picks up a lot of water in that subdivision. Prairie Trails East has another wet area or dry basin that they have that's on the other side of the bike path, but the pitch of the topography in this whole area is significant, so you have a fast runoff no matter what area you're in so that has to be evaluated.

The light pollution as far as public light pollution, I think development would call for two street lights, one at the cul-de-sac and one at 28th Avenue. So that's not to say that people when they build a house don't turn their lights on. That would be something people could look at.

With respect to the water connection, we've identified, as Jean indicated, some areas where water could be connected. The long-range plan for Prairie Trails East was to loop that system, that water was going to be going to Prairie Trails West. If that development doesn't happen that will dead end. This developer has the same opportunity to bring water up to 116th Street just like the Tobin Woods development did. They brought theirs up from 119th up to 116th Street. That's a long distance. But we do need to I think for everybody's benefit is to loop that system and make it tie together.

One of the other comments, Ms. Godbold, is what the \$891 gives the Village. The Village does collect an impact fee prior to this that doesn't include the \$891. The \$891 is the donation we'd be looking to developers to at least make the Village whole from what the State eliminated as far as their ability to collect impact fees. That being said, one of the things the Village is undertaking in our fiscal analysis, and we're hoping to bring that to the Plan Commission in December, is that there is some significant impacts that accrue because of development. We don't through the land division regulations in the State have the ability to levy impact fees or charges. And what the fiscal analysis is going to do is really we're going to be asking identifying more of the broad scope of what does a development cost and as far as the Village to take care of that development and be able to administer it.

We have the whole range of costs that occur to bring it to this point. A developer brings forth a proposal. We don't go soliciting these for people to develop their land. People make a fair and honest attempt at developing their land. They come up with a plan just like these gentlemen have. You might not like it. We've seen plans that are worse. But nonetheless they have the opportunity and the right to be able to try and develop their land, but the reviews that come along with that we require the developers to pay for those. In the scheme of development, those are the small costs.

The big costs come when the development goes in. We have to take care of that development before they pay their first property tax dollar for their home. So you look at a new subdivision that comes in, some of those houses could take up to two years as a fully taxed dwelling on the tax roll. It's not their fault. The municipalities do assessments once a year and we levy your taxes once a year. Giving where that happens in the cycle it could take quite a while before the community sees their first full assessment or tax levy from a house. In the mean time everybody else took up the slack for the police car that patrols the roads, the snow plow that clears the snow, the rescue squad that picks up the roofer who fell off the roof when he was putting on a roof. Those are the kinds of costs that the community incurs.

So once the developer as well as the Godbolds know that that's something that the Village is looking at and when we evaluate developments in the future whether or not we can afford to accept the development. If the developer can help us with that and really help the community then we can. Other than that we end up diminishing the amount of resources we have to spend on existing residents for the services they've come to expect whether it's police, fire, rescue, public works, what have you. So the \$841 is the scratching of the surface. That reimburses the Village for the expenses for fire equipment, public works equipment, those things that we've lost our ability to charge. Since we have a frozen levy and are under tax cap restrictions, the only way we can accommodate additional development is if we reduce the amount of services we provide to everybody else so that we have more people to take care of.

So the developer is on notice, and I think Jean's told him this, and I just want it known publicly that as they move through the process, and any developer, not just you guys, any developer, that's something they've got to address because otherwise my recommendation to the Plan Commission is we can't afford a development that's not going to help us get to the point where everything is even when they're paying all their property taxes. In the intervening periods the Village taxpayers are going to make those payments. And that goes for any indirect cost that would be associated with drainage improvements along 28th of paving improvements or what have you. I can't recommend that the Village help in that or do anything because we, quite frankly, don't have the resources to do that and still provide the services we have to provide.

Thomas Terwall:

Question, Mike. Will the development at Prairie Trails East provide both better road access and better utility easement access in this development? If Prairie Trails East went in first, how much easier would this development be?

Mike Pollocoff:

It would definitely close the gap as far as the water in getting a looped system. And it provides a relief for the construction access. We require that developer to take his construction access off of State Line rather than 28th or 26th, so that would help. Prairie Trails East has been on the books for 15 plus years. So when that develops I think nobody really knows. It's going to be the marketplace. They've been through some regulatory hoops that they've been running through. So that would affect less people on 28th Avenue. You'd still have Mr. Renzulli and his neighbors that would be involved, but as far as the scope and the magnitude of impact from 28th coming from the south there's less people affected and less distance than there is coming from the north.

Thomas Terwall:

In good conscience I just can't put that much more traffic on 28th Avenue as it exists today, both construction traffic and resident traffic once those people move in unless something is done. There is no easy answer. I understand that. But I don't know if I'm willing to make it more difficult than it already is. If that means that this development has to wait for the development in Prairie Trails East, I guess I'm going to consider it in my mind, because I don't know if we can force this on the people on 28th Avenue.

Mike Pollocoff:

You almost have two questions really to kind of juggle back and forth. It's the volume of homes, number of homes, is that the issue? Is 20 more? Is 10 better? Some people said 4 or 6. What's the developer's right to be able to develop his land to what we can reasonably expect? So you have that actual traffic. Then the construction traffic that's a bigger impact. We've dealt with this on another subdivision north of Highway 50, and in that subdivision the developer is willing to rebuild all the construction roads that were being damaged and used and put the water improvements in to make the development happen so that the people weren't inconvenienced. It's not a long a stretch as this so there were less people affected by it as far as the existing roads. So one issue would be is the density too high for what the area can handle? Then the second one is the construction equipment, and I don't think there's a lot of difference if they even cut their development in half. You're still going to have pretty much the same amount of construction.

Thomas Terwall:

I'm not hung up on . . . I think that's not the issue at least in my mind. Mike?

Mike Serpe:

Every time we talk about development east of the bike trail it always comes down to the condition of the roads and they can't handle any more. I think one thing that we have to consider in approving anything on 28th Avenue is when construction does start or construction traffic goes back and forth, the kids from 120th Street on 28th Avenue that go to school have to walk all the way down to 116th Street to catch the bus. And they have to walk all the way back when the bus drops them off. I don't know where the water is going to come from, if it's going to come down from 116th southbound to the development, but the construction traffic alone will destroy what road there is left of 28th Avenue north of the development. And if water does come down 28th Avenue from 116th Street, it will certainly destroy 28th Avenue as we know it today.

John Braig:

I think it's a given that 28th Avenue would have to be resurfaced due to construction traffic when it's over.

Mike Serpe:

But more importantly than that I think you have to consider the safety of the kids going to school every day back and forth. I don't know when Mr. Pickus is going to come forward with his proposal for the—when he's going to start his Prairie Trails East. But, Tom, I have to agree with

you if this thing had to wait six months to see what Pickus is going to do, that would be more advantageous to the people that are on 28th Avenue. It would be more advantageous to everybody. I have to agree with one of the speakers, Mr. Willkom. It would be nicer if this does happen if there's a little bit more of a transition from the larger parcels. I'm not saying they have to be 5 acres, but maybe one or two lots or houses less to get into the development or Orchard Lane or whatever it's called.

My biggest concern is the kids that have to walk to school back and forth on that street. There is no other way for them to get picked up unless their parents want to drive them down there. And many parents for the kids that are in middle school or 6th or 5th grade probably aren't even home when their kids leave for school. Maybe the parents go to work themselves so they're on their own and that's a consideration I think we have to give a lot of thought to.

Thomas Terwall:

And until 28th Avenue goes all the way to the State Line it could be a problem. We want the school bus to go down that road, is that correct?

Mike Pollocoff:

The loop between 26th and 28th if that was to happen would help. But we're requiring Prairie Trails East to have their construction access from State Line and up to 28th Avenue in Stage 1 of their development.

John Braig:

Picking up on the school bus, if this subdivision went in and now you've got a lot more kids in the area and you have a respectable cul-de-sac for the bus to make a turnaround, is there a likelihood that the bus would now come down 28th Avenue to service the area?

Mike Pollocoff:

You mean it would rather than not?

John Braig:

I'm saying right now it does not go down there. The fact that you'd have a quality cul-de-sac would that influence the transportation company's decision to go ahead and route a bus down that way?

Mike Pollocoff:

I think what would change that is the Prairie Trails loop between 26th and 28th.

John Braig:

That would have to go in, okay.

Mike Pollocoff:

I don't think they would just come down because of that one cul-de-sac. But it is a School District decision.

Thomas Terwall:

The school bus will not go into Meadowdale Farms where there is a cul-de-sac adequate for them to turn around.

Mike Pollocoff:

They want a loop.

John Braig:

I know some areas where there is a loop and they don't want to go in either. They're trying to keep their routes as short as possible. The other thing that's just bothering me a little bit is 28th Avenue is already a thin thread, and now to route this into a subdivision that has got a long road to a cul-de-sac and back out is making the thread longer and weaker in my mind. If this development came in as the neighborhood plan indicated with the roadway coming in from the north and looping around and finally going back to the east or to an existing road to the south, I'd be a lot more comfortable with it. But this seems like someone was able to purchase some land and has in mind development of it and it's almost like the development is premature because he hasn't amassed the right parcels of land and put the thing together so we'd have a respectable package.

There's one other point that I really want to address to the audience. We can't simply stop a property owner from developing his land because the people around it object to it. What we have to do is control the development. Because the truth of the matter is that everybody that owns property has the right to develop it according to the plan and the guidance and the direction that whatever municipal is involved dictates. So our option here is not so much whether this can go ahead or whether we stop it as much as is this fitting into what we, and it's a big we, it's you and us, have put together as an overall guideline. I kind of feel as though this isn't quite fitting.

Larry Zarletti:

I agree with one of the comments that John Braig just made with regards to what our responsibilities are here. We've seen many developments come into this Village, and we've seen many a good company, builder, architects come in with great plans. I think the problem is way bigger than the Plan Commission. I think it's about the Village residents and the Village Board deciding where you want to take the Village. I look up on the wall, I looked a couple times tonight, the award for municipal excellence. I live in the Village. I'm proud of that. But what that's done is that has brought tons of people to a place, and I respect the comment of the folks who spoke on it being a village. They moved here because it was a village and because it was a prairie.

I said long ago I've been on the Commission about two years or so and I said soon you won't need much of a Commission or it's not going to be very busy here because we're going to be built

out. But, again, I concur with my colleague, John Braig, on the fact that the Plan Commission when we hear developers come in that have worked and followed the rules that this Village has set forth for them, we can't just say you can't build here, or your development is bad. We can, however, respond to what you talked about on 28th Avenue, and if other builders have stepped up and rebuilt a road or done whatever we can require that.

But the fact of the matter is, and I guess the strongest point I'm trying to make tonight is I'm like a lot of you out there. I feel for everything that you've said. The place that I live behind Ace Hardware used to be vacant land. The guy across the street from me that lives in the City, we're right on the border, says I kind of liked it better when he could look across the street into a field. But we're good neighbors and we get along. And I wonder where would I be now or where else would I be enjoying if that subdivision was blocked from coming in. It's a little bit apples to oranges because we're a much smaller subdivision than what's being proposed here. So I don't want anyone in the audience to think, and I speak for myself, and I know some of the other Commission members feel the same way, that we don't understand and feel the same way we do about what you have to say about these developments. But our responsibility as a Plan Commission is to either A, give a favorable or nonfavorable recommendation to the Village board. And once an agreement is reached with them as to how much building is going to continue in Pleasant Prairie I think you're going to be to the root of the problem. So I don't know.

There's still a lot of questions about 28th Avenue. I understand the drainage things that Mike Pollocoff was talking about. I live in a place that had a serious water problem when we first moved in. I can tell you this. If this subdivision does end up going through some day and the Village is the way they were when we had a flood and a problem with water, you would be pleased with the outcome. Because one thing I know is that the integrity of the people speaking about making sure the developers are doing their homework on whether the drain is going to end up in your backyard or somewhere else, I honestly believe that they have done their homework and they don't want that problem any more than you do.

Andrea Rode:

I certainly agree with everyone's comments here tonight on the Planning Commission. I agree with the safety issue for the kids that are living there in the area off of 28th Street and those in Prairie Trails. So I think, number one, we have a responsibility to support and protect the property owners and the Village residents that live there now. I think that's number one that's the most important thing. I do value the investment that these gentlemen have made in purchasing that property and also feel that unless somebody else wants to buy that property and pay the taxes on it that they do have a right to develop their property. Now, again, going back to what size? Considering that it's a very rural area there with larger lots, I think that's something that needs to be taken into consideration.

But I also feel that right now we're living in a time where the State has pretty much tied our hands and other Village's hands with doing away with impact fees. I mean how are we to be able to provide for the residents that we have already without all of a sudden some of these fees. So I think that right now we need to take a look at the Village and see what do we have with the monies that we currently have and let's not overburden the taxpayers. Let's look and see. Do we want more development which obviously you always want more development, but I think we need to be really careful what we allow to come in at this time in the Village.

And as far as the flooding goes, I think we also have a responsibility to the people that live there now to assure them that they're not going to be faced with flooding. So I just kind of think that the overall consensus pretty much has been, at least in my opinion, is I'm not ready to approve something like this. Maybe down the road once we know where we're at as far as the Village goes with who is going to come up with paying for all these fees and all these costs for a development, myself I'm not in favor of approving this tonight.

John Braig:

Just one more comment. There is one sure way of stopping this and I don't mean to be facetious at all. If the property across from your property is vacant and you want to keep it that way, the surest way of doing it is to buy it. That sounds facetious.

—:

. . . they said . . . so we did try. We did try.

John Braig:

I'm saying if you owned the property nobody can develop it. It's yours. You can stop the development. Obviously that's not an easy thing to do because in many instances we're talking some dollars that we don't have. So the next step would be for the Village to buy the property and the Village can except the Village doesn't have the money either. Everybody in the Village would want the Village to buy all the land around so you know that that's not going to happen.

There just a further extension of this. If we turned down a developer's right to develop his land, in effect we would be confiscating his land you might say. We're saying you can't use it for what you thought you were going to use it for. It's like buying a vehicle and saying you can't operate it on the Village streets. It just can't happen. I think we could go on with this all night long. I have a feeling that there is not enough support amongst the Commission members at this time to approve this thing. In which case the question in my mind is this something that we would approve or disapprove at this moment, or should we table it and see if we can come up with some better plan?

Mike Serpe:

I was going to go on those same lines, John. There's a number of concerns here that were raised by the residents and by the Board or by the Commission that would probably warrant the staff to sit down with the developer and to see how we can maybe handle some of these things. That would be the safety on 28th Avenue if this were to go ahead. If there's a better way to access the site from another area from construction vehicles. Just one more kick at the cat type of thing. I would recommend that we do table this until the staff and the developer have one more meeting and maybe to see if there's anything that can be ironed out to make this a little bit more palatable than what it is right now. If we were to have a vote on it right now, I would move to deny but I don't want to deny a developer the right to develop his land, but I would hope that maybe we can come to consensus on how it can be done that would be acceptable to everybody. And I would move for table.

Andrea Rode:

Second it.

Larry Zarletti:

Mr. Chairman, I know it's unusual, but there are people in the audience who have been trying to get your attention that they did want to speak. I know that their time is over but I think that them showing up tonight and the seriousness of this you might want to see what they have to say.

John Braig:

I would move that we suspend rules for a moment and let them speak. But I would rather their presentation or talk to us be limited to a question rather than to again repeat what we've heard earlier.

Ron Godbold:

Like I said before, Ron Godbold. I live directly across the street from this development. One question I do have. You mentioned this Prairie Trails East. This is the development that's on the other side at the end of the cul-de-sac of 28th Avenue?

Jean Werbie:

South of 28th Avenue.

Ron Godbold:

South of 28th Avenue on the other side. If I'm not mistaken isn't there some issues that the developer is out of Waukegan and his name is what?

Jean Werbie:

Pickus.

Ron Godbold:

Isn't there some issue with the soil lines and so on through there that that's why that development hasn't been done more so?

Mike Pollocoff:

The development hasn't proceeded because preliminary plat has been granted for it pending an approval by Kenosha County to cross the bike path at 122nd. So they went through a period of due diligence to satisfy that. That bike trail crossing was informally denied and now they're redrawing their final plat to do that subdivision without the public road bike path crossing. I'm not aware of any soil issues.

Ron Godbold:

Not the soil, I'm saying soil pipe, the drainage pipe underneath is supposedly of what I've heard.

Mike Pollocoff:

No. If there is a drainage pipe underneath it as they excavate it they need to identify, repair it and reconnect it into their system.

Thomas Terwall:

Yes, sir, last comment. Since there's a motion to table I shouldn't be entertaining more comments but go ahead.

Earl Owens:

Earl Owens, 11637 28th Avenue. In regards to the retention ponds and the ditch, I've lived for about 30 years at the premises which the ditch line runs through, whether you want to call it Barnes Creek or Tobin Creek. With all the retention ponds and all the building and whatever we've done, it hasn't changed the volume of water in a storm situation that runs down that creek that the kids play in. My question to you guys is if we're doing these retention ponds do they end up as a result running through that creek?

Thomas Terwall:

The law requires that the water that flows off that property after development not flow any faster than it did pre-development. So the purpose of the basin is to retain or detain the water and let it meter out into whatever channel it's going to go at the same rate or less rate than what it's going now.

Earl Owens:

That was why I asked the question because volume that we have running through that ditch line hasn't changed at all. It's as much as it ever was.

Thomas Terwall:

Mike, I would ask assuming that this motion passes to table, one of the things that I would ask is that you and Bob, our Engineer, review and use whoever you want to convince yourselves so you can convince us that we're not going to have a drainage issue on the property owners.

Mike Pollocoff:

Of course we'll do that. The developer has the conceptual engineering right now. We'd have to get some more information. But we won't let the Commission know unless we're comfortable that it's going to not be in violation of our rules and we're not going to present it. But we will take that extra look because this is a marginal area for drainage.

Thomas Terwall:

And I'm also not going to ask that this just be tabled for at least two weeks. You take whatever time you need with the developer. I would just ask that we properly notice the residents so that when this comes back up they'll know that this is coming.

Mike Pollocoff:

Sure.

Thomas Terwall:

WITH THAT THERE'S A MOTION BY MIKE SERPE AND A SECOND BY ANDREA RODE TO TABLE ITEMS A AND B. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Cindy Godbold:

Could I ask one more question?

Thomas Terwall:

Go ahead.

Cindy Godbold:

My name is Cindy Godbold. I never received a letter for this meeting, and I know a couple of my neighbors haven't either. Is everybody on 28th Avenue supposed to received a letter for this meeting?

Thomas Terwall:

Jean, what's the rules?

Jean Werbie:

Our ordinance requires that everyone within 300 feet be notified.

Cindy Godbold:

I wasn't notified. I live right across the street. So I never got a letter.

Jean Werbie:

We can certainly check the notices or check to see if there was a problem with respect to mailing address. If the Plan Commission wants us to notify everyone on 28th Avenue then we certainly can do that we will.

Thomas Terwall:

Thank you.

Cindy Godbold:

There's five of us that didn't get one.

Thomas Terwall:

We'll see you do the next time.

Jean Werbie:

If you want to stop and talk to Tom, my assistant, he will make sure you're on that list.

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT for the request of Carlos R. Sierra, owner, to correct the Zoning Map and rezone a field-determined non-wetland area on a vacant property located at the 9900 Block of Lakeshore Drive (west side), owned by Carlos & Marilyn Sierra, into the R-5, Urban Single-Family Residential District. The LUSA, Limited Use Service Area Overlay District, will remain on the entire property.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is a request based on an April 27, 2006 and June 5, 2006 Army Corps of Engineers completing a wetland staking and determination on the undeveloped property located at the approximate 9900 Block of Lakeshore Drive, west side of Lakeshore Drive, and further identified as Tax Parcel Number 93-4-123-203-0200. The property is identified as Lot 15, Block 34, Carol Beach Estates Subdivision, Unit No. 4.

As a result of the wetland re-delineations, the property owner and petitioner is requesting to rezone an approximate 614 square foot former wetland area, located in the southeastern portion of the property from C-1, Lowland Resource Conservancy District, to R-5, Urban Single Family Residential District with the LUSA, Limited Urban Service Area District overlay.

As some background information in 1998:

- July 24, 1998 - Roy and Mildred Kempiners, then-owners of the subject property, requested that the wetlands be field staked on the property.
- November 6, 1998 - The wetlands were field staked by the principal biologist from SEWRPC, Don Reed. At the time of the request, the entire property was zoned C-1,

Lowland Resource Conservancy District, and pursuant to the application the petitioner alleged that a discrepancy existed between the area mapped as C-1 and the actual location of the wetlands on the property. The biologist found two wetland areas on the property.

- An approximate 69 square foot, triangular-shaped, inter-dunal swale wetland, which is part of a larger complex to the north.
- An approximate 614 square foot inter-dunal swale wetland located in the southeastern portion of the property.
- January 11, 1999 - The Village received a letter dated January 4, 1999 from SEWRPC that indicated that the wetlands were identified and staked on November 6, 1998. In addition, attached to the letter was a list of plant species identified within the wetlands on the parcel. Pursuant to this list of plant species a State of Wisconsin threatened plant species, the Sand Reed, was observed on the property during the field inspection.
- January 11, 1999 - The Village received a letter dated January 8, 1999 from SEWRPC that stated that the plat of survey submitted by the property owner correctly surveyed and correctly identified the wetlands on this property as field staked by the SEWRPC.
- January 25, 1999 - The Plan Commission adopted Plan Commission Resolution #99-05 to initiate a Zoning Map Amendment to correct the Zoning Map as a result of the wetland delineation and the staking being completed.
- February 22, 1999 - The Plan Commission held a public hearing pertaining to the Zoning Map Amendment and recommended approval of the rezoning the non-wetland areas of the property from the C-1 District to the R-5 District.
- March 1, 1999 - The Village Board approved the Zoning Map Amendment to rezone the non-wetland areas on the site from the C-1 District to the R-5 District and the two wetlands on the site remained in the C-1 District. In addition, the Limited Urban Service Area Overlay District remained on the entire property.

According to the Village's adopted Land Use Management Plan for the Chiwaukee Prairie-Carol Beach Area, the Plan identifies that this lot is in an open space preservation area and it is not in a planned urban development area. The development of this lot is contrary to the adopted Plan. However, in accordance with the wetland staking application filed and the C-1 District requirements in effect, the Ordinance requires that the Plan Commission initiate the action only to rezone those areas that are C-1.

The LUSA District, which is on the entire property, indicates that among other things, the public sanitary sewer facilities are not available and are not intended to be made available to this site; therefore, in order for a home to be constructed on the property, sufficient land area needs to be available per the Kenosha County Sanitary Ordinance for an on-site system. There appears to be adequate land located outside of the wetlands for this type of system, but this must be checked and verified independently by the property owner prior to submitting for building and zoning permits.

Village and WIDNR policy is that wetland delineations are valid for a period of five years. So what that means is after five years if someone would like to change the land use, they have to have the land redelineated.

- November 6, 2003 - Five years past since the original delineation and a new delineation was going to be requested.

Property conveyance:

- June, 2004 - Ron Sierra and his wife purchased this property from the Kempiners for \$50,000.

There was is a zoning map amendment request in January 2006. Mr. Sierra submitted a request to rezone his property based on what he indicated as sufficient evidence that would prove that there were no wetlands at all on this property. The Village staff accepted the rezoning application, but indicated to Mr. Sierra that sufficient evidence needed to be provided to verify that no wetlands existed on this property and without that information the petition would likely not be approved.

The Village staff further indicated that NR 117 of the Wisconsin Administrative Code requires that all wetlands located within a shoreland area be zoned into an appropriate wetland classification by the municipality. The purpose of NR 117 is to establish statewide minimum standards for city and village shoreland-wetland zoning ordinances in order to accomplish the shoreland wetland protection objectives of s 144.26 of the State Statutes.

- February 27, 2006 - The Plan Commission held a public hearing and based upon the verbal and written comments received by the experts from the various Federal and State and Regional agencies and the private sector biologists that have inspected, interpreted and explained wetlands in the Chiwaukee Prairie and the fact that the Village has relied upon these experts for up to the past 20 years for wetland delineations and interpretations, the Plan Commission recommended that the request for the Zoning Map Amendment be denied due to the lack of credible information from a duly qualified, expert biologist that is familiar with wetlands, subsurface soil conditions and groundwater within the Chiwaukee Prairie and the procedures for delineating wetlands in accordance with the Wetlands Manuals of the WIDNR and ACOE.
- March 6, 2006 - The Village Board concurred with the recommendations of the Plan Commission and denied the request for a Zoning Map Amendment
- March 17, 2006 - A letter from the Village informed Mr. Sierra that when and if you have sufficient evidence regarding your claim that there are no wetlands on this property and a letter of no findings is submitted, then a request for zoning map amendment to correct the zoning map related to this property can be reconsidered by the Village Plan Commission and the Board. The letter of no findings shall be prepared and signed by a certified and qualified biologist that has completed the appropriate and required training in wetland delineations and concurrence from the WIDNR is provided. Or, if a certified and qualified biologist determines the location of the wetlands are the same or have changed

since the 1998 staking, then a plat of survey, including descriptions of the wetlands, a copy of the delineation report and letter of concurrence from the WIDNR shall be submitted to the Village with a request for zoning map amendment to correct the zoning map can be reconsidered.

The current request you have before you for October 2006:

- April 27 & June 5, 2006 - The ACOE completed a wetland re-delineation/re-determination on the undeveloped property. Along with Mr. Sierra, others in attendance during the April 27, 2006 re-delineation were Steve Eggers from the Army Corps of Engineers St. Paul office., Dale Pfeiffle from the Army Corps of Engineers Waukesha, WI Office), Heidi Hopkins from the Wisconsin DNR, Mike Luba from the Wisconsin DNR, Jean Werbie from the Village and Tom Shircel from the Village. In attendance during the June 5, 2006 re-delineation were Mr. Eggers, Mr. Pfeiffle and Mr. Sierra.
- July 7, 2006 - The Village received a letter from the Corps of Engineers, which included an ACOE Jurisdictional Determination and a July 6, 2006 Corps Memorandum pertaining to the Wetland Delineation of Sierra Property. The letter and related documents indicate that the previous submitted Plat of Survey, completed by Glen Marescalco with a latest revision date of November 25, 1998 remains valid and correctly identifies the approximate 69 square foot, triangular-shaped, inter-dunal swale wetland complex on the north end of the property. In other words, the approximate 69 square foot, triangular-shaped are is still wetlands.

Furthermore, to summarize the July 6, 2006 memorandum pertaining to the wetland delineation, the approximate 614 square foot wetland located in the southeastern portion of the property is no longer being classified as a wetland. This is now an inter-dunal wetland swale failed to meet the hydrophytic vegetation criterion. It is further stated in the Corps memorandum that the non-wetland determination of the southeastern wetland could be due to low lake levels over a period of years, coupled with recent drought conditions, which resulted in the dominance of this area by non-hydrophytes over the short term. A return to normal precipitation and normal lake levels could shift dominance to hydrophytic plant species, but there is no guarantee of this occurring.

What I'd like to add to that is we are starting to experience a number of situations down in Chiwaukee Prairie that we've been going on wetland delineations with the Corps and SEWRPC and the DNR. What we're finding is that due to these low lake levels and these dune swale complexes, that the character and the type of vegetation is starting to change down there, which is significant in that the rich dominant species of native vegetation is changing. It's going from the sand dune type to a prickly ash and some other types of species. And it is rather significant, again, because of the low lake levels. I'm not sure how many more we're going to come across like this. We had one again last week, but in that circumstance the Corps I believe is going to be writing a position paper on preserving and . . . the wetland designation. But it is something we do need to follow and we do need to be watching with respect to the changing characteristics of the prairie due to the low lake levels and the changes in the ground water levels down there.

- October 9, 2006 - Mr. Sierra, owner, submits a Zoning Map Amendment application to correct the Zoning Map and rezone the approximate 614 square foot, field-determined

non-wetland, located in the southeast corner of the property from the C-1 District to the R-5 District, with the LUSA District remaining on the entire property.

To the Village staff's knowledge, the petitioner/property owner has submitted paperwork to the DNR where he is appealing the findings of the northern wetland, but based on the information that we have received from the various agencies, we are going to be recommending the approval of the rezoning of that southeaster wetland, again, from the C-1 classification to the R-5 classification, again going from a wetland down to an interdunal swale classification.

This is a matter for public hearing, although the staff's recommendation is to send a favorable recommendation to the Village Board of the findings as presented in the staff comments.

Thomas Terwall:

This is a matter for public hearing. Anybody wishing to speak on this issue? 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:

I'm a little bit disturbed about the findings of the biologist who determined that this was no longer a wetland. As I recall when I inspected this site, and I can't remember when it was but obviously when this was before us the last time, there was evidence that there was burning on the site and disturbing of the soil surfaces. In other words, after whoever was on the property and did whatever they did it would be impossible for anyone to make a wetland determination from my viewpoint. So I know we told the individual that it was beyond our control and it was up to him to go through the DNR and get the thing changed which is what he did so I think our hands are tied. But I really feel as though someone, and I don't know who whether it's the DNR, whether it's us, or someone on the Village staff that's responsible for better policing of wetlands, and I'm talking about what is obviously an impossible situation. But I really feel as though the rules and the statutes have been circumvented on this but we're not in a position to deny it.

Jean Werbie:

I do need to clarify that the Corps of Engineers and DNR and SEWRPC along with the staff spent an enormous amount of time evaluating this particular property and the wetlands on the property. The Corps and the DNR looked beyond the fact that some of the property had been cut or mowed and even part of it had been burned. They did subsurface soil delineations and evaluations. They did a great deal of work well beyond just looking at that initial vegetation that was either mowed or burned or cut by the property owner. So it was not with an easy decision that the Corps or the DNR down classified this area as no longer wetland. Though, it was a great deal of effort that went into the evaluation and their study of this.

Thomas Terwall:

And I agree, John, if the Army Corps has taken the delineation away I don't know on what grounds you can deny it.

Mike Serpe:

I agree also. I think what we have to look forward to is when that lake level comes back up we're going to have some problems. But, again, I think our hands are tied and with that I'd move approval.

John Braig:

Second.

Thomas Terwall:

AND WHEN THE LAKE LEVEL COMES UP, MIKE, YOU'D WISH . . . BIG PROBLEMS. THERE'S A WHOLE BUNCH OF HOMEOWNERS DOWN THERE THAT THEY HAVE NO IDEA WHAT'S COMING THEIR WAY. THERE'S A MOTION BY MIKE SERPE AND A SECOND BY JOHN BRAIG TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THIS REQUEST. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Jean Werbie:

Mr. Chairman, I would ask that D, E and F all be taken up at the same time by the Village as they all interrelate to the same project, two of which are public hearings on this particular matter.

John Braig:

So moved.

Mike Serpe:

Second.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

- D. **Consider the request of Mark Molinaro Jr., of Partners in Design Architects, agent, for Prairie Ridge Investors, LLC, property owner, for a Certified Survey Map to subdivide Tax Parcel Number 91-4-122-082-0120 into two (2) parcels to accommodate the proposed Prairie Ridge Commons multi-tenant commercial development to be located at the southeast corner of 75th Street and 99th Avenue in the Prairie Ridge Development.**

- E. **PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT at the request of Mark Molinaro Jr., of Partners in Design Architects, agent, for Prairie Ridge Investors, LLC, property owner, for a Zoning Text Amendment to amend Section 420-137 of the Village Zoning Ordinance to create the specific Ordinance requirements for a Planned Unit Development (PUD) Overlay District for the proposed Prairie Ridge Commons multi-tenant commercial development to be located at the southeast corner of 75th Street and 99th Avenue in the Prairie Ridge Development.**

- F. **PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS on behalf of Mark Molinaro Jr., of Partners in Design Architects, agent, for Prairie Ridge Investors, LLC, property owner, for the proposed 17,904 square foot (2 buildings at 8,952 square feet each) Ridge Commons multi-tenant commercial development, which includes a request for a Conditional Use Permit to allow a vehicular drive-through facility for a future tenant to be located in the easternmost tenant space in the easternmost building of the development to be located at the southeast corner of 75th Street and 99th Avenue in the Prairie Ridge Development.**

Jean Werbie:

Mr. Chairman and members of the Plan Commission and the audience, there are three items on the agenda this evening at the request of Mark Molinaro Jr., of Partners in Design Architects. The first is a certified survey map to subdivide Tax Parcel Number 91-4-122-082-0120 into two parcels to accommodate the proposed Prairie Ridge Commons multi-tenant commercial development to be located at the southeast corner of 75th Street and 99th Avenue in the Prairie Ridge Development.

The second item is a public hearing and consideration of a zoning text amendment, and this is to amend Section 420-137 of the Village Zoning Ordinance as it relates to specific requirements in the creation of a planned unit development. Again, this is for the Prairie Ridge Commons multi-tenant commercial development to be located in the Prairie Ridge Development.

The third item is Item E which is a conditional use permit for a vehicular drive-through facility for a future tenant to be located in the easternmost tenant space in the easternmost building of the Prairie Ridge Commons located at the southeast corner of 75th Street and 99th Avenue in the Prairie Ridge Development.

Again, while I'll be speaking to you on all three of the items at the same time, separate action will be required by the Plan Commission.

The first, the proposed Prairie Ridge Commons, is a speculative commercial retail development consisting of two identical 8,952 square foot multi-tenant buildings, a total of 17,904 square feet to be located at the southeast corner of 75th Street and 99th Avenue. The 2 commercial multi-tenant buildings are proposed to be located on a 2.41 acre parcel. To date and according to the applicant, the following tenants will be located within the multi-tenant buildings Starbucks, FedEx/Kinkos, Verizon and Cost Cutters. Prairie Ridge Commons also consists of a future restaurant site proposed to be located to the immediate west of the multi-tenant buildings on a 1.755 acre parcel. The entire 4.165 acre property is zoned B-2 (PUD), Community Business District with a Planned Unit Development Overlay District. The original PUD that was adopted by the Board on May 15, 2000, pertains mainly to signage within the Prairie Ridge development. For further information on the project and the operations we do have a letter from the applicant that's included as part of your packets that's dated September 11, 2006.

With respect to the certified survey map, they are requesting to subdivide the approximate 4 acre parcel into two properties. Lot 1 is the eastern lot. It's a vacant through lot and it's proposed to consist of 2.410 acres. It has frontage on 75th Street and on 76th Street. Lot 1 exceeds the minimum lot size and frontage requirements of the B-2 District. It's proposed to accommodate the Prairie Ridge Commons multi-tenant commercial development which is to be considered tonight by the Plan Commission for a zoning text amendment and conditional use permit and the site and operational plan.

Lot 2 is the western lot. It's a vacant triple-frontage lot, and it's proposed to consist of just under 1.8 acres. It has frontage on 75th Street, 99th Avenue and 76th Street. Lot 2 does not meet the minimum size requirements of the B-2 District which is 2 acres, so the PUD will address that requirement and provide some flexibility to allow for that lot to be created.

The subject properties do not contain any wetlands and are not located within the limits of the 100-year floodplain or within a shoreland jurisdictional area.

Both municipal water and sanitary sewer are available in 77th Street and 99th Avenue. So those services will be available to service both of these properties.

Zoning text amendment, the PUD, the proposed Prairie Ridge Commons Planned Unit Development requires that the Prairie Ridge Commons development consisting of both Lots 1 and 2 of the CSM will provide for structures, improvements and uses on the site in conformity with the adopted Village's Comprehensive Plan and in compliance with the basic underlying B-2, Community Business District and with the goal of facilitating development in a fashion that will not be contrary to the general health, safety, economic prosperity, and welfare of the Village, with the additional goal of encouraging proper maintenance of the structures, landscaping, parking areas, lighting, signage and general site development so as to promote an attractive and harmonious commercial development area, and seek to achieve a commercial/business environment of sustained desirability and economic stability which will operate as a uniform commercial development within the surrounding commercial properties located both in the Village of Pleasant Prairie and the City of Kenosha to the north, and will seek to avoid unreasonable adverse effects to the property values of the surrounding properties.

More specifically, the PUD ordinance allows for flexibility with a few of the Village Zoning Ordinance requirements insofar as the developer is providing a good quality, high quality development for the Village of Pleasant Prairie that will benefit the entire community.

Community benefits, in order for the Village to satisfy the proposed PUD ordinance, we have listed on the slide and in your staff packets a number of the community benefit items.

Since the first Prairie Ridge Commons proposal, the developer and architect have worked with the Village staff to create a more visually appealing and more architecturally intricate building. The developer has agreed to enhance the architectural appearance of the structure including corner tower elements, varied exterior building materials, a decorative pergola element between the multi-tenant buildings in order to address a common outdoor seating area.

Some of the exterior building materials will be complimentary also to the adjacent Target store and the Shoppes at Prairie Ridge. There will be a reciprocal cross-access parking and maintenance easement between the lots in order to share those types of facilities. There will be increased shopping options, employment opportunities, Village real estate tax revenues and State and County sales tax revenues.

The PUD ordinance allows for some flexibility of certain Zoning Ordinance requirements and I'd like to just briefly outline some of those provisions in the ordinance.

1. There is a provision Chapter 420-47 D. that relates to commercial driveway width requirements. They'll be amended to allow a minimum driveway width of 25 feet whereby 35 is required.
2. Chapter 420-48 A. related to parking lot and circulation requirements shall be amended to allow internal site circulation, access roads and private roads serving the development to a minimum width of 24 feet, whereby a minimum of 30 feet is required except for between the two parcels.
3. Chapter 420-48 L. relates to setbacks for parking spaces and parking lots. We're going to be reducing that down to a zero lot line setback so that this can operate as a unified business development wherein the ordinance requires 20 feet.
4. Chapter 420-57 H. (2) (c) related to Construction Design Standards and roof lines. We have been working with the developer and his architect to increase the number of architectural features and the bump outs and the materials and a number of features to help it blend into the Prairie Ridge development. We addressed issues at both the front and the back of the buildings because they will have that double frontage on both Highway 50 and 76th Street.
5. Chapter 420-57 H. (2) (g) relates to Construction Design Standards for facing materials, and we've specifically outlined the types of materials and I believe that Mr. Molinaro will outline with the materials board and sample board some of those details for the Plan Commission.
6. Chapter 420-57 H. (2) (g) relates to Construction Design Standards for exterior walls. Again, we'll be going through some of those materials for this development as well as the adjacent.

7. Chapter 420-76 DD. related to Wall Signs shall be amended to require that no sign raceways are allowed, no visible electrical crossovers are allowed and that Wall Signs may be either internally illuminated, or may incorporate a decorative goose-neck fixture type of lighting. Again, those specific are outlined.
8. Chapter 420-78 K. relates to Aggregate Permitted Background Commercial Advertising Sign Area and we've listed the specifics with respect to the types of signs and where the signs would be located and the amount of signage, square footage.
9. Chapter 420-119 I. (1) relates to the lot sizes that needs to be reduced for Lot 2 in order to comply with the ordinance. It's reduced to 1.75 acres as opposed to the 2 that's required by the ordinance.
10. Chapter 420-119 I. (3) relates to reduction in open space from 30 percent down to 25 percent.
11. Chapter 420-119 I. (4) © [2] relates to side building setbacks which would be amended between the two structures. A minimum setback of 18 is required wherein 30 is required by ordinance.
12. Section 420-119 J (1) relates to the number of principal buildings per parcel. The ordinance requires only 1 and the PUD will allow for two.

The third item on the agenda this evening at their request is a conditional use permit. The conditional use permit I would ask that all of the findings of fact be included as part of the public hearing record. Primarily what they are requesting is a vehicular drive through lane service window on the east end of the eastern building and a bypass lane located on the east side of the eastern most tenant space to accommodate the Starbucks drive through

To facilitate the on site navigation and queuing of the drive through customers, the site is designed with service maneuvering lane on the south side of the buildings and two 76th Street driveways.

All of the other conditions as listed in the conditional use permit are requirements as set forth by the Village zoning ordinance including the hours of operation as well as the provision that they cannot serve open intoxicants in the drive through, and notices of this outdoor seating request were sent to adjacent property owners and were published in the *Kenosha News* on October 30 and November 6, 2006. The petitioner was sent a copy of these staff comments. With that, I think I would like to introduce the developer and his architect and they can go through some of the more specific items with respect to the multi-tenant project known as Prairie Ridge Commons.

Mark Molinaro:

Mark Molinaro, Partners in Design Architects, 600 52nd Street, Kenosha. And with me is, as Jean mentioned, is Gene Ventura and Sam Stilp, his partner, which are the developers of the particular project. Before we get started, at the end of the meeting is typically after you get your approvals and the obligatory thank you to all those who cooperated and everything else. But before we get started I'd just like to make the comment to Jean and to Tom for all of your benefits that this

project probably didn't get started off on the best foot. They had every opportunity to remind us of that as we went forward and not once did they do that. I thank both of them. I think at the end of the day was it not only an enjoyable process but a process that I think was a win/win for everybody and their professionalism clearly stood out. I think we're going to get what we're looking for tonight, but I wanted to make that statement beforehand so that there wasn't some appearance that I was only saying it after the fact. So, again, thank you to both of them.

Clearly every time I'm before you the explanation that you're given for what the project is leaves me with very little to say. What I would do, and Peggy I'd ask you if you could maybe find the elevation drawing on that board. Thank you. I'll point a few things out. We have worked very closely with not only the Village, Jean and Tom, but also with V.K. and their group in terms of being able to put together a development that was going to be compatible with what they're proposing to do with the target building once that gets going as well as Famous Dave.

What you see before you are materials that are complimentary to what has been done out there with Famous Dave's. The stone and the base here of this board which will show up on the towers as well as along the base all the way around the building is the same stone that was used on Famous Dave's. We've used it in a little bit less of a quantity, if you will, which we think is appropriate for the development. And very similar with the masonry. These are, if not the masonry units that were proposed to be used at Target, certainly they're ones compatible with what they're talking about. They're in the very same color range. I think we may have a little bit different texture here. And what we've done is tried to alternate these two colors. It's very obvious on the drawing which two colors are which.

And then we've got a cap stone. You'll see that cap stone band above all the windows, above all the openings. You see it here at the base of the piers as well. Again, it's just an accent band. We've got a couple of elements up on the top of the stone here as well as the band that runs through the tower. Again, a product that we think is appropriate in terms of the masonry building. Whether or not they use this particular product in their developments I don't know, but I think it will be certainly compatible with what they'll do.

The only place you see a non stone or a non manufactured stone material is the cornices and the cornices are all efface. They do have some projection to them. You can see it on the elements here and they come off of the building in terms of the horizontal dimension as much as they do vertically so I think that will be a nice cap to the building all the way around. The towers are platted with an asphalt shingle which is on the top of the board here.

John Camosy is here as well, so we spent an hour and a half in the room with the potential restaurant developer who is going to be next to us. Jean, I don't know if you noticed on here, but we culled out self-cleaning glass. If that's a deal breaker I'm in a lot of trouble because we're not going to have self-cleaning glass. If they can sell that to people I'm assuming they can sell ice to Eskimos as well. But the good news is if Gene Ventura was inclined to go with our ill advised recommendation it would only be a \$50,000 add to the building so he's thinking about it. If you picked up on that it's not self-cleaning glass, but what we'll put in there is standard glass and you'll be none the wiser as will I.

Beyond that I don't know if I've got anything else to add. If you've got specific questions obviously we're here to answer them for you. Thank you.

Thomas Terwall:

This is a public hearing. Is there anybody else wishing to speak? Anybody else wishing to speak? Anybody else wishing to speak? Hearing none, I'll open it up to comments and questions from Commissioners and staff.

John Braig:

Just a clarification. Jean, several times you mentioned that our ordinances require one thing and you're recommending something less. As a point of clarification, the justification for that is because this is a PUD, is that correct?

Jean Werbie:

I guess what item are you referring to?

John Braig:

For example, the driveway. I forget what the dimensions were, 30 or 35 is what the ordinance requires and we're permitting 28 feet in width?

Jean Werbie:

Any modification to the ordinance that impacts public safety or public services of the Village do need to be reviewed by that particular department. So if there is a flexibility item that is introduced as part of the PUD, as part of flexibility for the developer, it's only with the concurrence and support of either the police or fire department with respect to that particular development. So when we sit down with the developer there are certain items they are looking for with respect to how they would like the project to look. There's certain things that we're looking for and certain minimums that we can't go below in order to meet our test with respect to health, safety and welfare. So on a case-by-case basis, depending on what they're proposing, we evaluate it to determine if it makes sense and the Village can live with it or if it's just something that the Village would like to have.

John Braig:

What I'm leading up to or getting at is because this is a PUD there are significant considerations that you can do this. What I don't want to do is get into a position where a developer with just a single parcel or building comes in and asks for the same variations and deviations. What I'm saying is what good is an ordinance or a requirement if we don't enforce it unless, as you say, there's valid consideration. And I'm thinking it's the PUD which really supports the considerations that you were giving.

Jean Werbie:

And that's correct. It's the community benefits that I defined earlier that allows us to determine whether or not the developer can be afforded certain types of flexibility. If there's a single lot and a single use, the Village has not typically supported any type of planned development or planned unit development. That would not be a typical situation.

Thomas Terwall:

Just an observation, Mark. It appears to me that both Starbucks and Walgreens has a goal to have a store no more than one mile apart. I'm just wondering who's winning that contest.

Mark Molinaro:

I can speak for Gene Ventura unless he wanted to add something, but we seem to have or he seems to have, and I'm certainly fortunate to be a part of the team that he's put together on his developments, the ear and the preference from Starbucks. So we've got three in Kenosha County all on Highway 50, and we've done them all. They have committed to us that any site that would meet their criteria they're certainly willing to continue to develop with Gene Ventura and ourselves so we're looking forward to bringing a few more.

Mike Serpe:

Mark, we have how many tenants signed up for this?

Mark Molinaro:

Four right now.

Mike Serpe:

And this is going to be built out with how many more spaces available?

Mark Molinaro:

Anywhere from we're currently showing four vacant. I will tell you without disclosing names that we have one additional tenant space in each building that Jean is either very close or has an LOI signed or certainly out for review at this point in time. We think we will end up with four tenants in each building. There is certainly an opportunity if the tenant mix is right that we would have five. I think it states in the explanation that you received from staff that some of that is contingent upon parking requirements depending on who the tenant is and we'll evaluate that. I think we've got a pretty good breakdown on our drawings in terms of how that parking right now accounts for the tenants that we have and we'll continue to monitor it as we go. But we think we'll have four in each building.

Mike Serpe:

I think this is going to be a welcome addition to the neighborhood. It's been long waiting for things like this to take place, as well as just good for Kenosha County in general and especially Pleasant Prairie.

Thomas Terwall:

If there's no further comment, then the first motion we've got is certified survey map comes first. Motion to send a favorable recommendation to the Village Board?

Andrea Rode:

I'll make that motion.

Mike Serpe:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY ANDREA RODE AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CERTIFIED SURVEY MAP 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.

Andrea Rode:

I would like to say this is in my back yard and I'm really excited to see what's going on. I can't wait for you to get that new Starbucks in.

Larry Zarletti:

Mr. Chairman, I would move to approve the second item even without the self-cleaning glass.

Mike Serpe:

Second.

Thomas Terwall:

MOTION BY LARRY ZARLETTI AND A SECOND BY MIKE SERPE TO OKAY THE ZONING TEXT 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.

Mike Serpe:

Move approval of the conditional use including site and operational.

Thomas Terwall:

Is there a second?

John Braig:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATION PLAN 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. Mark, before you step down I want to, first of all, thank you for the complement that you paid to the staff. As a return, it's a pleasure for us to work with Partners in Design. You guys always do your homework. You always come in with the stuff that we need in order for us to act without a bunch of ambiguities and unknowns and that means a lot to us. Keep up the good work.

Mark Molinaro:

I appreciate that. My comments about how this one got started I'll certainly take all the heat for that. I'm not convinced that this one got off the way it should have. But I appreciate it and thank you all.

G. Consider request of Michael Frost, owner, for a Sign Special Exception Permit to re-face two (2) existing nonconforming accessory signs for the Haunted Hawg Saloon (f/k/a Tobin Creek Bar & Grill) located at 10936 Sheridan Road.

Tom Shircel:

The petitioner is requesting a Sign Special Exception Permit to reface two existing nonconforming accessory signs related to the valid nonconforming commercial use for the

Haunted Hawg Saloon, which is right now known as the Tobin Creek Bar & Grill, located at 10936 Sheridan Road, which is further identified as Tax Parcel Number 93-4-123-302-0005.

The Village staff recently discovered that the commercial business on the subject property has undergone a name change from Tobin Creek Bar & Grill to the Haunted Hawg Saloon. Along with the renaming of the tavern, there was the corresponding sign display change of two existing nonconforming accessory signs with the new tavern name of the Haunted Hawg Saloon.

As some background information, the subject property is currently zoned R-4 (UHO), Urban Single-Family Residential designation, with an Urban Land Holding Overlay District. On May 6, 2002, as a part of a Village-wide Zoning Map Amendment, the Village Board approved Ordinance #02-27, which rezoned this property into the R-4 (UHO) District, from the B-3 District which at that time was known as the Highway Business District. With that rezoning, the entire property is currently zoned R-4 (UHO).

Pursuant to the Village Zoning Ordinance, a tavern use is not a use allowed in the R-4 zoning district. Therefore, the Haunted Hawg Saloon is considered a legal, but non-conforming use in the R-4 zoning district. In other words, the tavern use was lawful in its inception under the former B-3 zoning, but with the rezoning of the property on May 6, 2002, the tavern use is now a prohibited use and is thus classified a legal, non-conforming use.

Pursuant to Section 420-78 T. (6) of the Zoning Ordinance, all sign changes for an accessory sign relating to an allegedly valid nonconforming use first requires approval of a Sign Special Exception Permit by the Plan Commission.

The first sign is the roof sign. The previously existing, single-sided, 4' x 8' roof sign, located on top of the front roof has been changed. This sign used to contain the wording Frosty's Tobin Creek Tap. According to the Michael Frost, the property owner and petitioner, the modifications to the roof sign were to simply reverse the sign and repaint the sign with the wording Haunted Hawg Saloon. The size of the sign and all other aspects of this nonconforming accessory sign have remained the same.

Secondly is the wall sign. According to Mr. Frost, the plans are to also change the display of the existing, single-sided, 4' x 8' wall sign located on the north façade of the tavern building. Similar to the roof sign, the modifications to the wall sign will be to reverse the sign and repaint it to advertise the Haunted Hawg Saloon. The size of the sign and all other aspects of this nonconforming accessory shall remain the same.

According to Village records, the tavern building has a building floor area of 2,013 square feet. According to the Zoning Ordinance, a building with a floor area between 1,000 and just under 5,000 square feet is allowed a maximum of 75 square feet of Aggregate Permitted Background Commercial Advertising Sign Area which is essentially the wall and the roof sign in this case. Therefore, the existing 32 square foot wall sign and the existing 32 square foot roof sign which total 64 square feet total meet the requirements for the allowable Aggregate Permitted Background Commercial Advertising Sign Area for this building.

Nonconforming signs. Pursuant to the Zoning Ordinance, again, what the Zoning Ordinance says is a valid nonconforming accessory sign shall be allowed to continue, subject to the applicable

requirements of this article, until such sign becomes obsolete or becomes an illegal sign or a violation of this article for any other reason. At that point, the sign must be cured and any violation or nonconformity must be eliminated. Such signs shall not have valid nonconforming use status, and the right to continue such signs shall not necessarily run with the land. At such time as the cumulative cost of modifications to a nonconforming accessory sign exceeds 50% of the cost of replacing the sign, such sign shall become illegal and shall be removed or otherwise cured. Any such cure shall eliminate all nonconformities with or violations of this article.

In other words, the cumulative cost of modifications to a nonconforming accessory sign exceeds 50% of the cost of replacing the sign; the sign must be removed or brought into conformance with the Ordinance. Number wise, according to the petitioner, the cost of the existing roof sign is \$700 and the cost of the wall sign is \$500. The cost to modify the roof sign was \$125 and the cost to modify the wall sign will be the same, \$125. Therefore, just for the record, the roof sign has \$225 worth of modifications remaining and the wall sign \$125 worth of modifications remaining before they need to be removed and are cured.

Pursuant to Section 420-76 X., of the Zoning Ordinance, the Ordinance does not allow for the existing Roof Sign as affixed to the building's roof. Specifically it states that:

1. Permitted in any business, manufacturing, institutional, park and recreational or agricultural district.
2. Shall be mounted on or against the roof of a building and shall not extend more than 12 inches from the surface of such roof. This sign to the best of my knowledge extends more than 12 inches from the surface of the roof.
3. Shall not actually extend above or beyond any edge of the roof behind it and shall not appear to so extend from the perspective of the intended viewers. This roof sign, again, does not meet that criterion.

Therefore, the existing roof sign is nonconforming in that it does not comply with Numbers 2 and 3 as I just stated.

In conclusion, the Village staff recommends approval of the Sign Special Exception Permit to re-face two existing nonconforming accessory signs, that being a 32 square foot roof sign and a 32 square foot wall sign related to the valid nonconforming commercial use for the Haunted Hawg Saloon located at 10936 Sheridan Road. With that I'll bring it back to the Plan Commission.

Mike Serpe:

I understood everything until you got to the numbers.

Thomas Terwall:

I have not been in this establishment since the change occurred, but from what I understand from people that have been in there he's got a whole slew of electrically animated manikins decked out in Harley gear and leather gear. From what I'm told it's a place you've got to stop in just to say you've been there because it's really neat. I have not been there yet.

John Braig:

I'm looking for clarification. Apparently if this was a legal and conforming establishment the signs would not have any restriction on them?

Tom Shircel:

They'd have the restrictions pursuant to the ordinance, but this would not have to come before the Plan Commission for your review and approval.

John Braig:

And we wouldn't be dealing with this 50 percent replacement or removal cost and so on?

Tom Shircel:

Correct.

John Braig:

It seems peculiar. Maybe I just don't understand. If the building is nonconforming, the signs automatically will never be conforming?

Tom Shircel:

It's not that the building is necessarily nonconforming. The use is nonconforming.

John Braig:

Thank you. That suggests that this guy could have a heck of an operation going and the signs can deteriorate totally, and if he's exceeded the ability to spend more money on them because he's spent all that's permissible, his choice is to leave them be and the Village would get on his case then or remove the sign?

Tom Shircel:

Correct.

John Braig:

Isn't it something of a hardship we're putting on a business establishment?

Tom Shircel:

He could always seek a variance if it came to the point where he no longer had or exceeded the 50 percent to improve or reface these signs.

John Braig:

And in the case if it was a good business and the rest of the building and everything was in good shape he more than likely would get the approval for the variance or the variance would be approved?

Tom Shircel:

I guess that's up to the Zoning Board of Appeals. I can't speak for that Board.

John Braig:

I'm satisfied.

Tom Shircel:

I think he's going to keep this what I'm told is his new bar theme to have sort of a Halloween theme throughout the year.

Mike Serpe:

I move approval of the sign exception.

Andrea Rode:

Second.

Thomas Terwall:

MOVED BY MIKE SERPE AND SECONDED BY ANDREA RODE TO APPROVE THE SIGN EXCEPTION PERMIT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

H. Consider the request of Eric Koster for approval of a Lot Line Adjustment between the properties located at 8007 54th Avenue and 5300 81st Street.

Peggy Herrick:

The petitioner is requesting to adjust the lot lines between the addresses of 8007 54th Avenue, which is identified as Tax Parcel Number 91-4-122-113-0213, owned by John and Susan Crawford, and 5300 81st Street which is identified as Tax Parcel Number 91-4-122-113-0229, owned by Eric and Mary Koster.

This proposed Lot Line Adjustment is to adjust a portion of the side lots line between the two parcels. The end result of the Lot Line Adjustment will be the transfer of approximately 1,040 square feet from 8007 54th Avenue, which is the Crawford property, and combine it to 5300 81st Street which is the Koster property. The Koster property is located in the Michelsen's Subdivision.

The properties are zoned R-4, Urban Single Family Residential District. The R-4 District requires lots to have a minimum frontage of 90 feet and a minimum lot area of 15,000 square feet. These lots meet and exceed the minimum lot width and lot area requirements of the R-4 District. In addition, the existing structures on the properties and the lots will remain conforming with the proposed Lot Line Adjustment and comply with the requirements set forth in the Village Zoning Ordinance and Land Division and Development Control Ordinance.

The Village staff recommends approval of the Lot Line Adjustment subject to the petitioner recording the proper transfer documents with the Plat of Survey for the Lot Line Adjustment as an Exhibit with the Kenosha County Register of Deeds Office within 30 days of final Village approval.

(Inaudible)

Peggy Herrick:

Correct. The area on the slide that's cross-hatched will be added to the property to the south.

John Braig:

Move approval.

Larry Zarletti:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY LARRY ZARLETTI TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE LOT LINE ADJUSTMENT 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.

I. Consider Plan Commission Resolution #06-21 related to the Public Participation Plan for the Comprehensive Plan update.

Jean Werbie:

Members of the Plan Commission, Item I is Plan Commission Resolution 06-21 as it relates to the public participation plan in preparation of the Comprehensive Plan for the Village of Pleasant Prairie. Section 66.1001 of the Wisconsin Statutes states that all units of government which engage in zoning, subdivision or official mapping must adopt a Comprehensive Plan by January 1, 2010 which is compliant with the recently adopted Smart Growth Law.

As part of that adoption, the statutes also sets forth that a public participation plan be put together which specifically addresses how Kenosha County as well as the Village of Pleasant Prairie will foster public participation at every stage of the plan preparation in that such written procedures shall also provide for a wide distribution of the draft of Comprehensive Plan materials, an opportunity for the public to submit written comments on the Comprehensive Plan materials, and a process for the governing body to respond to such comments.

The Village believes that regular and meaningful public involvement in the Comprehensive Planning process is important to assure that the plan reflects input from the public. The public participation plan developed for the multi-jurisdictional Comprehensive Plan for Kenosha County includes written procedures designed to foster that public participation. The Village of Pleasant Prairie is participating with Kenosha County to prepare the Comprehensive Plan, and as part of that Comprehensive Plan we support public participation as they have outlined for us in Exhibit A.

What I'd like to do is just briefly highlight some of the items in Exhibit A that's included in the packet of information that you have. The table that was put forth by UW Extension for our public planning process identifies the participation phase, the general time line, the general public activities, the key stakeholder activities and the municipal official activities.

So under public education awareness we're talking about doing these things throughout the process. Some of the examples include newsletters, website information, press releases, presentations, meetings, open houses, publications and cable television. In your packet, for example, is Compass Points, the Kenosha County Comprehensive Planning Newsletter, and this is the first planning newsletter that has come out with respect to our public participation process in defining and explaining what the planning process is all about and why we're engaging in planning in the Village as well as Kenosha County.

Other types of general public activities include web-based feedback forums, meetings and open houses, participation in interactive issue forums, meetings and other open houses throughout that

entire process. Again, this process will take about three years, so throughout the process we intend to keep the public informed one way or another about our planning activities.

Key stakeholder activities include representatives of each of the municipalities as well as representatives of the community, active panelist participation on the committee, as well as holding what they're referring to as Kenosha County Cafés where we invite residents to come in and sit down in round table forum to discuss particular issues that may impact them in their community.

Municipal official activities, this will cover everything from educational overviews to framing of the key issues and discussing them at Plan Commission or Board meetings, coordination of activities with respect to the presentations by SEWRPC, Kenosha County or others that come to the Village. So, as you can see, there is a detailed plan that has been put together for the Village to follow, as well as Kenosha County to follow, as part of this three year planning effort.

One of the things that is unique to the Village resolution that I wanted to bring to your attention is that while a number of these public hearings and public meetings are going to be held out at the Kenosha County Center for the entire County, we felt that we needed to have some more direct involvement here in Pleasant Prairie from our residents, our officials, or any of those interested who want to find out more about it or to participate in that process.

So Exhibit B as part of this Resolution outlines that in addition to Kenosha County holding public participation meetings as a part of our Comprehensive Planning program, we are also as a Village going to be duplicating some of those efforts but tailoring them and scheduling them just for Pleasant Prairie residents, not all of the County residents. And that might include information on the Village's website, on channel 25. It might include a Pleasant Prairie Café where we're gathering groups of our residents to talk about specific issues related to Pleasant Prairie, not just on the global basis of the entire County. Participation and cooperative meetings will be held here, again, just for our residents and how the land use plan impacts the Village of Pleasant Prairie. So the purpose of Exhibit B then is to focus in on those additional activities that our Village staff is going to be conducting for the Village.

With that, this is a requirement for the Village to adopt a public participation plan as part of this planning process and the staff recommends approval of Resolution 06-21. The Village Board will also be requested to adopt a similar resolution as the governing body of the Village of Pleasant Prairie.

Mike Serpe:

Is everybody in Kenosha County, incorporated municipalities on board with us now, Silver Lake, Twin Lakes?

Jean Werbie:

No, not every community is involved in this effort, but most are and as part of my next presentation, Chapter 1, I will be explaining which communities are specifically involved in the process. There's actually ten cooperating jurisdictions, nine communities as well as Kenosha

County, and I will be going into that so that you know which communities are involved. But as part of this public participation process, each community will need to go to their Plan Commission or Planning Commission and Town or Village or City Board asking for them to adopt and support a public participation plan.

Mike Serpe:

Move approval of 06-21.

John Braig:

I would venture to say there isn't a facility in Kenosha County that has more traffic going through it than the RecPlex. And I'm thinking the courthouse doesn't begin to have the traffic the RecPlex does. Just offering for consideration a display or board or something out there. Maybe the people are too busy to catch it, but it would support the effort to make this as public as possible. With that I second the motion.

Mike Serpe:

We have the closed circuit TV out there as well.

Thomas Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO ADOPT RESOLUTION 06-21. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

J. Review and consider Chapters 1 and 2 of the Comprehensive Plan related to the Introduction and Background; and Population, Household and Employment Trends.

Jean Werbie:

Mr. Chairman and members of the Plan Commission, I would first like to go over Chapter 1, the introduction and background for the Comprehensive Plan for the Kenosha planning area which includes the Village of Pleasant Prairie.

I'd like to begin by saying that each of the respective municipalities are being asked by the Committee Chair to go back to their respective communities and make presentations or get some type of comment feedback or endorsement by the Plan Commissions and Boards so that the staff

can make respond by bringing that information back to the full committee as we consider chapter by chapter. The intention is that we will adopt one chapter at a time rather than sit through the entire number of chapters and approve the entire document. The staff representative for Pleasant Prairie to the Comprehensive Planning program is myself. So I will be going through first of all, Chapter 1, Introduction and Background.

As I mentioned previously, the Wisconsin Legislature enacted a Comprehensive Planning Law which is set forth in 66.1001, and this was done in 1999. The new requirements supplement earlier provisions in the statutes for the preparation of county development plans and local master plans for both, again, respectively the County and for the Village of Pleasant Prairie.

The law requirements, which are often referred to as the Smart Growth law, provide a new framework for the development, adoption and implementation of Comprehensive Plans in Wisconsin. The new law includes a consistency requirement whereby zoning, subdivision and official mapping ordinances adopted and enforced by towns, villages and cities must be consistent with the Comprehensive Plan adopted by the Town Board, Village Board or Common Council respectively after January 1, 2010.

A multijurisdictional Comprehensive Planning process was undertaken by Kenosha County. The following nine local government partners including UW Extension and Southeast Wisconsin Regional Planning Commission are part of the team. The communities include the City of Kenosha, Villages of Pleasant Prairie and Silver Lake, the Towns of Brighton, Bristol, Paris, Salem, Somers and Wheatland. The Multijurisdictional Comprehensive Plan presented in the report provides a long-range guide for Kenosha County officials, staff and citizens to effectively address future development and natural resource protection in the County through the year 2035.

Nine elements of the Comprehensive Plan that are required by the statutes include, 1. Issues and Opportunities; 2. Land use; 3. Housing; 4. Transportation; 5. Utilities and Community Facilities; 6. Agricultural, Natural and Cultural Resources; 7. Economic Development; 8. Intergovernmental Cooperation, and 9. Implementation.

The multijurisdictional Comprehensive Plan and local Comprehensive Plans also address 14 planning goals as set forth in Section 16.9654 B of the statutes. They include:

- Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures;
- Encouragement of neighborhood designs that support a range of transportation choices;
- Protection of natural areas including wetlands, wildlife habitats, lakes, woodlands, open spaces and ground water resources;
- The protection of economically productive areas including farmland and forest;
- The encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal State government utility costs;

- Preservation of cultural historic and archeological sites;
- Encouragement of coordination and cooperation among nearby units of government;
- Building of community identity by revitalizing main streets and enforcing design standards;
- Providing an adequate supply of affordable housing for individuals of all income levels throughout each community;
- Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demands for residential, commercial and industrial uses;
- Promoting the expansion or stabilization of current economic base and the creation of a range of employment opportunities at the State, regional and local level;
- Balancing individual property rights with community interests and goals;
- Planning and development of land uses that create or preserve varied and unique urban and rural communities; and
- Providing an integrated, efficient and economical transportation system that affords mobility, convenience and safety that meets the needs of the citizens including transit dependent and disabled citizens.

The public participation plan element which is what we talked about earlier tonight with the adoption of the resolution, again, is required and is designed to foster public participation. Again, there's been two participation plans prepared, one for the entire County that's being adopted as well as, in our case, for the Village of Pleasant Prairie.

One of the unique elements that they're introducing for this public participation is the introduction of the Kenosha County Café, and in addition we're going to be doing a Pleasant Prairie Café. It's like a County-wide or in this case a Village-wide visioning event.

Larry Zarletti:

Starbucks Café?

Jean Werbie:

It is very likely that it could be held at one of those types of establishments. Our initial thought process is that we want it to be very comfortable and low key and we want to encourage people to come out and to express their thoughts and their ideas especially about the biggest issues that they think affect the quality of life and the Village into the future. So it will be very important because it's intended to be a discussing and listening session by all those in attendance. Again, we will be

doing other things like putting information on channel 25 and in newsletter links on the website and doing a number of other things to get the word out to the public.

With respect to the multijurisdictional partnership, just as a reminder to make sure that everyone understands where we've been, a comprehensive land use preparation grant was awarded in March of 2006 to Kenosha County. A grant agreement between Kenosha County and the Department of Administration was signed on June 9, 2006. Prior to accepting the grant, Kenosha County and SEWRPC signed agreements with each of the local municipalities in order to get the buy into the preparation of the Comprehensive Plan.

The multijurisdictional planning effort is built upon the Master and Comprehensive Plans of each town, village and city within Kenosha County. So I just want to clarify that we're not scratching everything that we've done up to this point with respect to our Comprehensive Planning efforts. We have done a lot of work in Pleasant Prairie, but that will be the plan for which we build on to complete this County-wide effort. There may be some areas that we want to re-look at. There may be some new details that we want to address, but that will be the starting point for this community in looking forward in a Comprehensive Planning effort.

With respect to the committee structure, the Kenosha County Multijurisdictional Comprehensive Plan Advisory Committee was established by the Land Use Committee of Kenosha County to Guide the preparation of the County's Plan. The Committee is comprised of one representative and one alternate appointed by each local government partner, and one member and one alternate appointed by the Kenosha County Executive and confirmed by the Board. The Committee also includes a representative from each of the three non-partnering local governments as non voting members and then ten citizen members representing various aspects of the community and those are non voting members as well.

As shown on the slide, the planning area includes all of Kenosha County which encompasses 178,149 acres, about 278 square miles. We're bordered by Racine County on the north, by the State Line on the south, Lake Michigan on the east and Walworth County on the west. As you can see, this identifies all the communities. There were a few communities, for example, Randall being one of them that moved forward and put together a Comprehensive Plan on their own and received a grant earlier in the process. Their work will be incorporated into the entire County Plan. So it's not that they will be left out of the County planning efforts.

Just to put thing in perspective for you, there are 16 different chapters in the Comprehensive Plan. Chapter 1 is the introduction and background, Chapter 2 through Chapter 6 present inventory data including population and employment trends, agricultural, cultural and natural resources, existing land uses, transportation facilities, utilities and community facilities and existing County and local plans and ordinances. Chapters 7 through 15 constitutes the multijurisdictional Comprehensive Plan. Chapter 7 is issues and opportunities, 8 is economic development, 9 is housing, 10 is land use, Chapter 11 is transportation, Chapter 12 is utilities and community facilities, Chapter 13 is agricultural, natural and cultural resources, Chapter 14 is implementation, Chapter 15 is intergovernmental cooperation and Chapter 16 is the summary.

It's intended that every couple of months that there will be another chapter that will be presented to the Plan Commission and the Board for their comments, for their feedback and information that we can bring back to the committee as a whole.

Under the benefits of comprehensive planning, I think I've probably explained a lot of that to you over the years so I'm not going to go into the very details of every single one of the paragraphs. Planning helps define the future character of our community. Planning helps protect natural and cultural resources. Planning can provide a rational basis for local decisions, planning to provide certainty regarding future developments. Planning can save money. Planning can promote economic development, and planning can promote public health.

With respect to our Comprehensive Planning process that's presented in our report, again, this is going to be developed over a three year time period and it's going to consist of the following steps: Start up tasks, inventory, issue identification, preparation of forecasts and analysis, preparation of planning elements, plan review refinement and adoption.

As noted in the paragraph below, throughout this entire process public participation will be key. It will be important to generate the buy-in from the community as well as staff and local officials with respect to our planning efforts and planning for our future. Again, this Comprehensive Plan, as with other Comprehensive Plans, they're 25 year plans so we'll be pushing out to the year 2035. Does anyone have any questions on the first chapter?

Mike Pollocoff:

We're going through a lot here. The Commission may want to consider a work session meeting to sit down and go through because the chapters are going to get voluminous.

Thomas Terwall:

What she's presented so far is not new to us and I don't have a problem doing it tonight, but for some of the subsequent chapters you're right, I wouldn't want to do that on the Plan Commission agenda. I appreciate it.

Jean Werbie:

Chapter 2, Population, Household and Employment Trends. Information on size, characteristics and distribution of population, household and employment levels and the County and local governments assist in preparing projections that will anticipate changes in these factors over time which is essential to the Comprehensive Planning process. This chapter provides information on existing and historical population, households and employment levels. This information is being used for population and household projections, as well as employment projections, to 2035. This information will be used again in a later chapter which is issues and opportunities element.

What I thought would be more interesting was to reprint some of the charts that were in the chapter or tables. For example, Table 2-2 as shown on the slide is population trends in Kenosha County. If we want to just zero in or focus in on Pleasant Prairie, you can see that the population in Pleasant Prairie has changed from 12,703 in 1980 to approximately 18,606 as an estimate on

January 1, 2005. In 1989 the Town of Pleasant Prairie was incorporated as a Village of Pleasant Prairie and the Town ceased to exist. So it does look like there was a great deal of fluctuation right before the 1990 census that it looks like we lost population when in fact we did. We boundary adjusted a large chunk of land and a great deal of population into the City of Kenosha, and so our population did, in fact, decline for that brief time. And then over the last 10 to 20 years we have been significantly growing with respect to our population. The change between 1990 and 2000 reflects a 4,099 person increase or just about 34 percent of our population.

Historical population in the Village of Pleasant Prairie and the former Town as shown on the slide is shown also in Table D-1 which is on the slide. From 1850 to 1860 the town grew by 441 residents or 46 percent. Between 1860 and 1880 the Town's population remained relatively stable, but between 1880 and 1910 the population grew from 1,386 in population to 3,217 in population. From 1910 to 1920 it decreased by about 37 percent. The Town experienced significant growth between 1920 and 1980 including increases of 1,427 residents or 70 percent. During the 1920s, 2,315 residents, over 59 percent in the 1940s, 4,080 residents or 66 percent during the 1950s. Again, in 1989 as mentioned previously the Town of Pleasant Prairie was incorporated as a Village. We had a population of 16,136 in 1990. From 1990 to 2000 our population grew by about 34 percent.

The next slide reflects age distribution. Again, I'd like you just to key in on the Village of Pleasant Prairie if you will. These age distribution classifications are based on those that are set forth by the U.S. Bureau of the Census. These are the same classifications that they use every ten years for the decennial census for you to evaluate from decade to decade where your population is going with respect to age.

Children less than five years old numbered 1,002 or about 6 percent of the Village's population. Children between the ages of 5 and 19 numbered 3,743 or 23 percent of the population. Again, that's the number that Kenosha Unified uses in order to evaluate the number of school age children when evaluating new subdivisions in preparing and projecting for new schools.

Adults ages 20 through 64 numbered 9,676 or about 60 percent of the population. And persons age 65 and older number 1,715 or about 11 percent of the population. What nice about having all the other communities in these charts and these tables that you'll be going through, is that you can see how we compare with other communities within Kenosha County. And you will see some percentages, for example. The median age for Villages within Kenosha County is highest for the Village of Pleasant Prairie.

Under educational attainment, one of the things I wanted to point out on the chart is for the Village of Pleasant is that we had the highest percentage of individuals living in our community with bachelor degrees or graduate degrees, and we had close to the third highest population with some college or associate degrees. And we still even ranked very high with respect to other communities in some of the other areas, but at the highest end of the educational platform Pleasant Prairie can be demonstrated that we have an educated population and it's continuing to grow.

Average household size in Pleasant Prairie, that is also starting to change as well. Actually it's starting to decline. It has since 1980. I think that we're right in the middle of the pack with

respect to the average household size, but as you can see it has been declining from 1980 to 1990 and 2000. I think the same can be said for all the other communities in Kenosha County. So while the number of housing units is increasing, the number of persons per household is declining.

The next slide which is annual household income in Kenosha County, if you look at the Village of Pleasant Prairie in particular you can see that the household income is relatively high compared to other communities in Kenosha County. A median household income for Pleasant Prairie is just over \$62,000 which is the second or third highest in Kenosha County. In fact, there was an article in the *Kenosha News* over the weekend regarding income levels in this area. Household income for households adjacent to Kenosha County, this again just gives you some perspective of where we fit with respect to other Counties in the area.

The next is an illustration of commuting patterns into and out of Kenosha County which I find to be very interesting. It might be a little hard to read on the screen, but it does show that there's a very large percentage which is not surprising. Over 34 percent of our population is commuting out of our community down to Lake County and other areas.

In addition, employment in the Village of Pleasant Prairie in sales and office occupations ranked as the second highest category in the Village and the County which was 26 percent of the Village residents. 17 percent of the Village residents were employed in production, transportation and material moving occupations. And service occupations employed about 13 percent of our population.

Place of work, approximately 50 percent of the Village of Pleasant Prairie workers were employed in Kenosha County in 2000. The Village of Pleasant Prairie workers were less likely to commute to Racine County than workers in Kenosha County as a whole. A higher percentage of the Village of Pleasant Prairie workers commuted to Lake County, Illinois where the workers in the County as a whole, about 32 percent compared to 21 percent, which can also be explained in part by the Village's location and proximity to Illinois.

Finally, just on the slide there is going to be at the end of every chapter a summary that provides general summarized information for the entire Kenosha County as it relates to us as a whole. This information isn't directly pertinent to Pleasant Prairie other than we're part of a larger system. If you'd like me to I can go through those for you, but that information is contained within the summary portion of the chapter. With that, are there any questions?

Thomas Terwall:

Do you feel comfortable approving these without re-reading them tonight?

John Braig:

They're just a recitation of fact.

Mike Serpe:

This was prepared mostly by SEWRPC, is that correct?

Jean Werbie:

The Chapter's were prepared by SEWRPC with the Village's review. Every community has responsibility. I actually had some changes, edits and comments that I'm going to be recommending at the Comprehensive Plan meeting.

Mike Serpe:

I would move to approve Chapters 1 and 2.

Andrea Rode:

Second.

Thomas Terwall:

THERE'S A MOTION BY MIKE SERPE AND A SECOND BY ANDREA RODE TO APPROVE CHAPTERS 1 AND 2 OF THE DRAFT COMPREHENSIVE PLAN. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

K. Consider Plan Commission Resolution #06-22 to initiate a zoning text amendment related to zoning fees.

Jean Werbie:

Mr. Chairman, members of the Plan Commission and the audience, this is Resolution #06-22. The Plan Commission may initiate a petition from the amendment of the zoning ordinance which may include the rezoning of property, change in zoning district boundaries or changes in the text. The Village staff is completing its annual evaluation of the zoning fees imposed by the Village for zoning permits, applications and other fees.

The staff would like the opportunity to present this information at a public hearing before the Plan Commission next month, so we're requesting that the Plan Commission initiate and petition to amend the zoning ordinance as it relates to these zoning permit and application fees. However,

the adoption of this resolution does not indicate that you're making any determination regarding the merits of the proposed changes in the zoning text, but you're rather only initiating the process by which the proposed changes in the zoning text as it relates to fees can be promptly evaluated and set for a public hearing. Staff recommends approval as presented.

John Braig:

So moved.

Andrea Rode:

Second.

Thomas Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY ANDREA RODE TO ADOPT RESOLUTION #06-22. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

L. Consider Plan Commission Resolution #06-23 to initiate a zoning text amendment related to the C-1, Lowland Resource Conservancy District and C-3, Natural and Scientific Area Resource Conservancy District regulations.

Jean Werbie:

Mr. Chairman, members of the Plan Commission and the audience, Resolution #06-23 is to initiate a zoning text amendment. The Village Plan Commission may initiate a zoning text amendment at the request of the Village staff or as requested by a petitioner. This Section 420-128 of the Village Zoning Ordinance is the request of the Village staff for the Village Plan Commission to consider text amendments to the C-1, Lowland Resource Conservancy District. That District is intended to be used to prevent destruction of valuable natural or manmade resources and to protect water courses and wetlands including the shorelands of navigable waterways where development would result in hazards to health or safety and/or would deplete or destroy natural resources or otherwise incompatible with public welfare.

The purpose of this Resolution is also to initiate a text amendment to the C-3, Natural and Scientific Area Conservancy District. That District is intended to preserve and enhance existing natural features on land publicly owned in the Chiwaukee Prairie and the Carol Beach area. Whereas Districts of the C-1 and the C-2 Districts are proposed to be re-evaluated with respect to mapping disputes in these Districts and to review the entire District regulations to ensure

compliance with the Wisconsin Department of Natural Resource Regulations and the State statutes. The Village staff is requesting that the Plan Commission and petition to amend these two Districts and to set a public hearing by which the proposed changes can be promptly evaluated by the Plan Commission and the Village Board.

Thomas Terwall:

Are we changing wetland regulations?

Jean Werbie:

Yes and no. There are some ordinance changes needed as they relate to the items that were on the agenda tonight that we do want to make sure are clarified in our zoning ordinance.

John Braig:

Move approval.

Mike Serpe:

Second.

Thomas Terwall:

MOTION BY JOHN BRAIG AND A SECOND BY MIKE SERPE TO ADOPT RESOLUTION 06-23.

Mike Pollocoff:

On the question. You don't have to decide it tonight, but we need to be cautious in one respect because we have C-1 and C-3, but we specified in the Chiwaukee Prairie Plan a real deliberate process by where land was going to be evaluated and be rezoned. If the criteria of what constitutes C-1 when that initial determination is made or C-3 is significantly different than what we lived with or what developed that plan. You could end up with a different animal altogether. So this isn't a small reaching change you'd be making, and we could find ourselves needing to revisit the plan again.

What was developed at the time we did Chiwaukee Prairie was the land was going to stay in its R-5 zoning until it was determined whether or not it's wetland. Now the evaluation is what is wetland as we know it today and what is it as we viewed it when we adopted the plan. When we opened the door we have to be ready to open up all the way and really take a look at the whole plan. As Jean said the lake goes down and the lake goes up. Sometimes you get a lot more wetland zoning because the lake is up and sometimes you don't get as much. But those nuances weren't in the Chiwaukee Prairie Plan. It was what it is what it is. And maybe we even end up creating a different district, but we've been into this plan for 20 years now and I don't want to get to the home stretch and start having it come apart on us.

Thomas Terwall:

(Inaudible)

Mike Pollocoff:

We make them do that so all they're burning is grass. So we've told them you have to mechanically burn that rather than have us live through—because those are invasive species that have gotten in. But what the change could end up being is it's not the plan life which is what was indicated in the Chiwaukee Prairie Plan, it's the soils. I'm not saying that's bad or good, but don't take this change lightly. It's like a spider web. You pull on this and you're pulling all sorts of things.

Mike Serpe:

One final comment and I know I'm not supposed to do this, but two weeks ago we got a *Kenosha News* article—

Larry Zarletti:

We didn't approve this yet.

Mike Serpe:

Do we have to vote on this first?

Larry Zarletti:

We did not vote yet.

Thomas Terwall:

MOTION BY JOHN BRAIG AND A SECOND BY MIKE SERPE TO ADOPT RESOLUTION 06-23. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Mike Serpe:

Now I'll make a comment. Two weeks ago or a couple weeks ago the *Kenosha News* wrote a not so pretty article about the comparison of our department heads and the pay scales with other

communities that really are non comparable. You look at this agenda tonight and how Community Development, Jean and her staff and Mike, have presented this tonight and the amount of information that was gone through tonight and how it was handled. And this is the type of work that we get out of every one of our department heads. And it just irks the heck out of me that we have people on our Board that just want to take shots at this Village and that just bothers me.

John Braig:

And nobody is going to disagree with you.

7. ADJOURN.

Larry Zarletti:

Mr. Chairman, in an effort not to get to the Guinness Book of Records, I move adjournment.

John Braig:

Second.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Thomas Terwall:

Opposed? So ordered.

Meeting Adjourned at 8:10 p.m.