

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
November 27, 2006**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on November 27, 2006. Those in attendance were Donald Hackbarth; Wayne Koessl; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. Thomas Terwall and Michael Serpe 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.**

Donald Hackbarth:

Is there any correspondence?

Jean Werbie:

Yes, I actually have two pieces of correspondence. The first one is the I-94 *South Corridor News*. It is a newsletter that is being provided by the Wisconsin DOT, and it talks about them unveiling their concepts for the new I-94 south corridor. It provides some details in the newsletter as to what's up for Racine and Kenosha Counties for the Interstate, as well as some studies that are being done by the Wisconsin DOT and that the first technical advisory committee meeting and committee meeting for the residents is going to be held or was held depending on what date that you look. They've also met with the Village residents in the area of the corridor planning especially along the area of the vicinity of I-94 and Highway C.

There are some plans on the bulletin board that they left with us for some of the corridor planning. Then there is a project description sheet that explains some of the details. Again, if you have any questions about this I'd be happy to answer as many questions as I can. But as it gets further along with respect to this project you'll be hearing more and more about this. It will be on the Village's website, channel 25, as well as the DOT is going to be constantly updating and doing news blogs on this particular project that they're working on.

Just so everyone knows, this project identifies that the C interchange is proposed to be started in 2009 which is basically two years from now. They are going to be doing main line reconstruction on the Interstate from the State Line through Kenosha County following that. Everything is going to be set up in stages so that the whole Interstate is not under construction at one time. So this is more for informational purposes.

The second piece that we have is information from WE Energies, Pleasant Prairie Power Plant information. There were some nice articles that were actually in the *Kenosha News* and in the other papers as well with respect to the new stacks coming on line and what this means to the community and to the air quality in the area, so these are good information pieces and we get these on a regular basis. What we try to do is get these newsletters when they come in out on the Village's website right away.

Donald Hackbarth:

Thank you, Jean.

**4. CONSIDER THE MINUTES OF OCTOBER 23, 2006 PLAN COMMISSION MEETING.**

Wayne Koessl:

Move they be approved in their printed form.

Judy Juliana:

Second.

Donald Hackbarth:

**MOVED BY WAYNE KOESSL AND A SECOND BY JUDY JULIANA TO APPROVE THE OCTOBER 23, 2006 PLAN COMMISSION MEETING MINUTES. ALL IN FAVOR SAY AYE?**

Voices:

Aye.

Donald Hackbarth:

So moved.

**5. CITIZEN COMMENTS**

Donald Hackbarth:

When citizens come to the microphone, if there's something already on the agenda we ask that you wait for that and speak at that time. But if there's some issue that pertains to Plan Commission, we would certainly invite you to come up to the microphone right now. Anybody interested in speaking on citizens' comments? Any comments? Any comments?

**6. NEW BUSINESS**

**A. PUBLIC HEARING AND CONSIDERATION OF A CONCEPTUAL PLAN for Daniel J. Murphy of Wilmot Road East & West LLC (American Heritage Corp.), owner, on behalf of the Rust-Oleum Corp., for consideration of a proposed**

**approximate 300,000 square foot building addition to the existing 346,450 square foot building to allow for a Midwest warehouse and distribution center for Rust-Oleum for paint and paint related products.**

Jean Werbie:

The owner/petitioner in his application is requesting Conceptual Plan approval of a proposed approximate 300,000 square foot building addition to the existing 346,450 square foot building to allow for a Midwest warehouse and distribution center for Rust-Oleum for paint and paint related products located at 9201 Wilmot Road, Tax Parcel Numbers 91-4-122-084-0101 and 91-4-122-084-0102 in the Village.

Under the Comprehensive Plan and Neighborhood Plan, which also needs to be looked at, in accordance with the Village adopted Comprehensive Land Use Plan Map, the portion of the Prairie Ridge Neighborhood Plan where the subject site is located is identified for Commercial land uses and is specifically annotated as, "C", Community Retail and Service Center. In addition, the Prairie Ridge Neighborhood Plan, which serves as a refinement of the Comprehensive Land Use Plan, that was adopted by the Village Plan Commission on May 10, 2004, contains an additional notation that the referenced buildings on the properties are currently being used as manufacturing/industrial.

According to the current Village Comprehensive Land Use Plan, which was originally adopted by the Village and amended in 1996, the Plan identifies that the only areas in the Village that are deemed appropriate for industrial uses are those areas within and immediately surrounding the LakeView Corporate Park East and the areas West of I-94 at CTH Q. It has been and it is currently the Village Plan Commission's and the Village Board's practice that all land use decisions shall be consistent with the currently adopted Comprehensive Land Use Plan on file with the Village.

In March 2006, Kenosha County was awarded a \$364,000 grant from the Wisconsin Department of Administration to be used for the preparation of a County-wide Multi-Jurisdictional Comprehensive Plan. The Village, as well as several other Kenosha County municipalities, including the City of Kenosha, Villages of Silver Lake and Pleasant Prairie and the Towns of Brighton, Bristol, Paris, Salem, Somers and Wheatland, have joined together to update and/or prepare their respective land use plans through a Multi-Jurisdictional Comprehensive Planning effort. The Multi-Jurisdictional Comprehensive Land Use Planning process is underway. In accordance with the State of Wisconsin Smart Growth Law, after January 1, 2010, any action that would affect land use within the Village shall be consistent with the adopted Village Comprehensive Land Use Plan which will be a part of the adopted County-wide Multi-Jurisdictional Comprehensive Plan.

The proposed Conceptual Plan for an approximate 300,000 square foot building addition to the existing 346,450 square foot building for Rust-Oleum does not comply with either the currently adopted Comprehensive Land Use Plan or the Prairie Ridge Neighborhood Plan.

Under proposed industrial development, the request for the approximate 300,000 square foot building addition would nearly double the size of the existing warehouse, distribution and office building. According to the owner, at this time he is seeking Conceptual Plan approval for only the approximate 300,000 square foot building addition portion of the plan, along with other

associated site improvements, including an additional large 157 space semi-trailer parking lot south of the building. The proposed building addition would occur primarily on Tax Parcel Number 91-4-122-084-0102 which is Lot 2 of CSM #2450, which is currently improved with a large asphalt parking lot.

According to the initially proposed Operational Plan, the potential Rust-Oleum tenant would have operated a Midwest warehouse and distribution center for Rust-Oleum for paint and paint related products that would serve customers west of the Mississippi River. Rust-Oleum's current lease for its existing warehouse and distribution center in the building located at 8961 109th Street is due to expire and Rust-Oleum has expressed the desire to consolidate its warehouse and distribution operations under one roof. In a meeting on November 15, 2006, the owner/petitioner indicated that Rust-Oleum had since found another location and is proposing to shift operations to that site. However, the petitioner is still requesting the Conceptual Plan approval to expand the building and related facilities. The owner/petitioner is not seeking Conceptual Plan approval at this time for the portion of the Conceptual Plan that depicts two office buildings along Wilmot Road or a commercial retail development in the northeast corner of the site.

Under existing industrial development, the Conceptual Plan site consists of two properties, the two tax parcel numbers I referenced, Lot 1 of CSM 2450 and Lot 2 of CSM 2450. Lot 1 consists of 22.26 acres and with frontage on Wilmot Road and is primarily improved with a 346,450 square foot warehouse/ manufacturing building formerly occupied by Tri-Clover and several associated parking lots and maneuvering lanes.

Lot 2 consists of 17.78 acres and has frontage on both Wilmot Road and 88th Avenue or County Trunk Highway H. As noted, Lot 2 is not improved with any structures, but is improved with a large, approximate 180,000 square foot asphalt parking lot and associated maneuvering lanes. This parking lot is not used at this time.

As some background information:

- Site and Operation Plans - In 2003, the Village issued a permit for Rust-Oleum to occupy 30,000 square feet of this existing building for warehousing of non-paint related items. It's identified as Phase I. Pursuant to the Zoning Ordinance, only a Village staff review and approval was required for that site and operational application and associated building/ zoning permit due to the size of the build-out and the non-paint related items being stored. At that time, 208,000 square feet of the building remained unoccupied.
- Conditional Use Permit including Site and Operation Plans - On January 12, 2004, the Plan Commission conditionally approved a Conditional Use Permit, Grant Document No. 04-02, and Site and Operational Plans for Rust-Oleum to lease and occupy 125,000 square feet known as Phase II of the existing 363,000 square foot building for the warehousing/ storage of Level 3 aerosols, brush paint and non-paint related materials within the building. The building was then updated by the owner with an Early Suppression Fast Response known as an ESFR sprinkler system to create a more marketable and flexible industrial building and to further accommodate the storage of paint and paint related products use at the building.
- Certified Survey Map (CSM) #2450 – On September 20, 2004, at the request of the owner, the Village Board conditionally-approved the CSM to subdivide the subject site

into two properties. At the time of the CSM consideration and approval, it was noted in the Village Staff Plan Commission and Village Board memorandums that it was the owner's statement that: It is the applicant's intent to explore the possibility of redeveloping Lot 2 with commercial uses. Since that time, in October 2005, the owner has had a Market Feasibility Study completed by his consultant which concluded that at this time and 10 years out that given the proximity of the 75th Street which is the Highway 50 commercial corridor, commercial development on this Wilmot Road site would be premature.

Conditional Use Permit including Site and Operation Plans - On February 13, 2006, the Plan Commission conditionally-approved a Conditional Use Permit, Grant Document No. 06-01, and Site and Operational Plans to allow Rust-Oleum to occupy approximately 200,000 additional square feet, the remainder of the warehouse area, to store Level 3 aerosols, brush paint and non-paint related materials within the building known as Phase III. The plans are for Rust-Oleum to initially occupy the southern approximate 100,000 square feet of the remainder of the unoccupied building space. It is expected that Rust-Oleum will proceed to occupy the remaining northern 100,000 square feet of the remainder of the unoccupied building space at some point in the near future. The approval did not include occupancy or use of the approximate 35,000 square feet of 2-story office space located along the front of the building.

As Item #12 in the February 13, 2006 Village staff Plan Commission memorandum the following was noted: According to the Village Comprehensive Land Use Plan Map, this property is designated as Commercial – Community Retail Service Center, thus suitable for future commercial uses. Appropriately, the Prairie Ridge Neighborhood Plan, adopted by the Plan Commission on May 10, 2004 as Plan Commission Resolution #04-07, also designates this property for commercial uses. Given this property's historic industrial use, the Village at this time can continue to support the on-going industrial/warehouse use. However, if the Comprehensive Land Use Plan Map is not amended in the near future to reflect the current industrial/warehouse use, the continued use of this property as an industrial/warehouse use is questionable.

Under the zoning of the property, the Conceptual Plan site, consisting of both of the aforementioned properties, is zoned M-2, Heavy Manufacturing District. The M-2 District allows for the existing Rust-Oleum paint/aerosol storage uses within the existing building, only with the required Conditional Use Permits.

For surrounding land uses and zoning:

To the north, land uses across Wilmot Road include the Pleasant Prairie Elementary School zoned I-1, and several single-family dwellings zoned R-4.

South and West– Land Uses to the south and west include a landscaping business, Kenosha Grounds Care, zoned A-2 and two undeveloped properties: An approximate 52 acre property, currently being farmed, owned by Alfa Land LLC, proposed to be developed with an R-4.5 zoned single-family residential subdivision known as Ashbury Creek. On a side note, on February 20, 2006, in association with the Ashbury Creek Preliminary Plat, the Village Board approved the rezoning this property through

Ordinance #06-09 which was formerly zoned M-2; and an approximate 32 acre property owned by Steinbrink, currently being farmed, zoned M-2.

- East – Land uses across 88th Avenue include a few single-family dwelling zoned A-4 and R-3; the Westwood Estates Mobile Home Park, 299 mobile homes/manufactured housing units, zoned R-12; and the Hidden Oaks Apartments, 324 apartment units, zoned R-11. Also, Village Fire Station #2, zoned I-1, is located adjacent to the site on the west side of 88th Avenue.

Under manufacturing zoning, the following six properties that are zoned manufacturing/industrial located outside of LakeView Corporate Park East and the immediate surrounding areas and areas west of I-94 include and are identified as non-conforming land uses per the Comprehensive Land Use Plan. These include:

- The former original Manutronics property now owned by Innovative Investment Corp. zoned M-1 located at 9115 26th Avenue;
- An approximate 32 acre property, owned by Steinbrink Farms, located just south of this Conceptual Plan site zoned M-2;
- The subject Conceptual Plan site commonly known as former Alfa Laval/Tri-Clover Properties owned by the petitioner zoned M-2;
- The former quarry/gravel pit south of STH 165 owned by Rosmann Excavating referred to as the Dominick Tirabassi property and the Paradise Lake property area owned by Louis Tricoli zoned M-3; and
- The former Luitze gravel pit now owned by Brad and Brian Flament on 122nd Street zoned M-3;

The reason the subject Conceptual Plan site and the original Manutronics site are currently zoned M-2 and M-1 respectively is because Kenosha County as a part of their 1983 Comprehensive Kenosha County-wide rezoning efforts placed these properties into the Districts because they contained existing industrial uses, namely Manutronics and Tri-Clover/Alfa Laval. The Steinbrink Farms agricultural land located south of the Alfa Laval/Tri-Clover property was purchased from the Barter family in 1980 for farming but was also placed in the M-2 District by the County. During the 1970s, it was envisioned by Kenosha County that this general Conceptual Plan area at the intersection of CTH's C and H would be the location of an industrial park, thus explaining the reason for the M-2 zoning of this area including the Conceptual Plan site and the Steinbrink property. The location for the Village's industrial park land had been changed as you all know to the LakeView Corporate Park area. That was done in the late '80s. Note: Up until February 20, 2006, the future Ashbury Creek single-family subdivision site was also zoned M-2. It is now zoned for residential purposes. There were two active gravel pits on the Tirabassi/Tricoli/Luitze properties in the 1983 that were placed into M-3 District by the County however these uses were abandoned in the early 1990's.

After January 1, 2010, in order to conform to the Wisconsin Smart Growth Law, zoning ordinance regulations will need to be updated and properties will need to be rezoned to comply with the Village Comprehensive Land Use Plan. The Village has been rewriting and updating its

Zoning Ordinance over the past several years towards that end. Following the completion of the rewriting of the comprehensive-wide rezoning of the Commercial Districts in the Village in 2002, the Village initiated action on June 17, 2002, through the Village Board adopted Resolution #02-20 to re-evaluate Zoning Ordinance Section 12.23. This is now known as 420-123, 124 and 125 related to the Manufacturing Zoning Districts and regulations.

The next area I'd like to talk about is site access. According to the Conceptual Plan, proposed access to the site would continue from the two existing Wilmot Road drives and from the one existing 88th Avenue drive. As a part of Conditional Use Grant Document No. 06-01, in order to improve traffic ingress and egress to the site for the Rust-Oleum trucking operations, the easternmost Wilmot Road Highway C driveway entrance was relocated to align with the Pleasant Prairie Elementary School's easternmost driveway.

Under storm water management, plans for a regional, shared stormwater management retention basin, to be located south of the existing building, is under Village staff review. The property currently has no on-site stormwater management facilities and does not currently meet the requirements of the Wisconsin DNR Chapters 151 and 216 storm water regulations, discharge and water quality provisions. As such, as a part of the February 13, 2006 Conditional Use Permit, Grant Document No. 06-01, and Site and Operational Plans, the installation of a stormwater retention basin at the southwest corner of the site was a condition of that approval for taking occupancy of 50 percent or more of the building. The shared stormwater retention facility would serve the following properties and tax parcel numbers:

- 91-4-122-084-0101, Owner: Wilmot Road West, LLC, a/k/a American Heritage Corp
- 91-4-122-084-0102, Owner: Wilmot Road East, LLC, a/k/a American Heritage Corp
- 91-4-122-084-0410, Owner: JMC Investments, LLC
- 91-4-122-084-0203, Owners: John & Roberta Steinbrink

At this time, the owner/petitioner has requested that the Village staff review of the shared storm water management retention basin be placed on hold, pending the outcome of this Conceptual Plan review.

Under notifications, notices of the Conceptual Plan public hearing were sent to adjacent property owners via regular mail on November 13, 2006 and notices were published in the *Kenosha News* on November 13, 2006 and November 20, 2006. The petitioner was emailed a copy of this memo on November 22, 2006. With that, I'd like to continue the public hearing, and Mr. Murphy is in the audience as petitioner and owner of the property.

Donald Hackbarth:

This is a public hearing so would you please come forward.

Dan Murphy:

Good evening. I'm Dan Murphy, the managing partner of the 9201 Wilmot Road property. This evening with me is Jim Gormly. He's zoning and helps us with our variations and leases, etc. He's with Foley and Lardner in Milwaukee.

A few comments as to what's been read for clarification. We were told last week of a pending denial, and we did ask to present the plan this evening for Plan Commission input. Prior to acquisition we were informed of the pending 2010 retail use. We were told we would be grandfathered in under the manufacturing use, although we came charging ahead because we like retail. and we shared with staff last week a former K-Mart site on 11 acres with 33 acres of additional land that we converted starting in 1996. We finished it in 2000, and it is today a 44 acre tract with about 400,000 of retail on it, the same as this site would hold. So we'd be very excited to have this a retail site.

In October we did present the feasibility study to staff. The feasibility study claims that this is not or will not be larger than a 30,000 to 50,000 shopping center site. With that in mind, the point was made that it was my feasibility expert. Yes, it was my feasibility expert, since I believe there is not a feasibility study available on the site. So we went forward and had a feasibility study done. We would like this to be a retail site. I want to be very clear about that. I had the opportunity to share the numbers with staff the other day, and because it was so late and the agendas had gone out, the minutes and things had gone out, I couldn't get that into it, but we'll get there eventually I guess or I hope.

The property was purchased for \$5 million, that is correct. There were several hundred thousand dollars in additional consulting fees. Since the acquisition we've completed ESFR system for about 600,000. We've added ten docks to the building for \$650,000. Per the conditional use permits, both of those items were part of it, we've moved the entrance road, upgraded the landscaping, sealed and striped the parking lot for an additional \$200,000. We've put up a letter of credit for \$125,000 to ensure the construction of the retention pond and the completion of the landscaping, even though I believe the conditional use permit states that once the building reaches 50 percent occupancy. The building is not nor has it ever been 50 percent occupied. We did move forward on all those things trying to be a good citizen and knowing that in the future the building would be occupied or we expected it to be fully occupied.

We did not charge headlong into this program of expanding the building. We talked with staff about the possibility of expansion here in kind of a holding pattern once we'd seen the feasibility study. I was told by staff that the only way they might consider it is if it were downzoned to possible warehouse/light assembly. So with that in mind along came Rust-Oleum warehouse use. We got excited about it. They needed 600,000 to 800,000 square feet of space. The proposal up there is for an additional 300,000. We've since done a drawing which adds another 130,000 onto the west end of the project. Whether that would be approved or not is another story.

What you see in front of you is not totally correct. The semi trailer parking is actually 52 spaces. That was our architect's mistake. I apologize for that.

In the last two meetings with staff since that meeting they've been told that we'd get turned down on this project with an expansion for Rust-Oleum. We said we understand there is a life safety



issue here. Right now we're currently approved for about 300,000 square feet of paints and aerosols even though we only have Rust-Oleum in about 150,000 feet today.

What I'd like to do is in addition to this share with you our proposed concept of where this would go and how it could become retail in the future. Staff doesn't have that slide so I'll use one of my boards.

Donald Hackbarth:

Do we want to do this, Jean?

Jean Werbie:

Sure.

Dan Murphy:

Basically this board here on the left is the same exactly as the one up there. What this one on the right is a quick conceptual plan just to give staff an idea what would happen here. Basically the architect took the first 200,000 or 250,000 feet off the building, took it from a 650,000 foot building down to about a 400,000 foot building. This one actually includes that 130,000 foot addition on the west end. This plan was done to satisfy Rust-Oleum's needs and keep them in the community. I believe we were the only site that could accommodate the M-2 zoning required, but because of the school and some of the surrounding residences staff did not look favorably on that and we did agree with them. But what we're talking about this evening is talking about a holding pattern for this property, whether it's expanded to 600,000, 800,000 feet. The ability if and when the time comes to become retail is very evident.

What we're seeking this evening is permission to continue with this process and to come back to the Plan Commission and show the financial feasibility of this. Whether we expand this to 600,000 feet, whether we do a 200,000 foot free standing building, we downzone this to warehouse/ light assembly, we would like some way to keep this property in productive use for the next 10 years, 15 years, whatever the case. The zoning as we see it is somewhat transitional in the area. We have a school, we have some manufactured housing, we have a fire department, the apartments across the street with the exception of the new Ashbury development, but those people will have the opportunity when they buy those homes to see what they'll be next to. In fact, if there was a retail center here Ashbury would be right here. The side of the building would not be much different than what they'd look at today. So that's what we're here for, to seek approval to move forward and try and keep this property in productive use.

Donald Hackbarth:

This is a public hearing, so if anybody else would like to stand up and speak?

Alan McDowell:

Good evening, Alan McDowell, 9006 Wilmot Road. My father was the original owner of the property that you're speaking of just for background. I don't really mind so much that they expand the properties, but the problem that I have is with the use that they're using now. Right

now they're using Highway C as their access and I'm not sure if the Board knows it or not, but Highway C is a weight limited highway from Highway H all the way to I-94. Then since you've approved them to use it now and until they're done, they're illegally using the highway to run semis up and down to their facility because none of their trucks are less than 7,000 pounds empty. That's the long and the short of it right there.

I don't mind that they use the property, but I don't really think that storing paint and other chemicals across from the school and my property and any of the other residential properties is a good use for the building. If they want to turn it over to retail I'd say right ahead. Of course, you folks will do what you choose, but if you'd like to listen to a long-time resident and somebody who is concerned about the property as much as I am, this is not the right use for the property. I'd go with the planning people here and put it into the neighborhood conceptual plan the sooner the better. Thank you.

Donald Hackbarth:

Anybody else?

Mike Star:

Mike Star, 8920 Wilmot Road. I have a couple of questions that I'd like to get answered. One is the truck parking, semi trailer parking at the south end of the property, it seems like the access from 88<sup>th</sup> there is deliberately set up to make it incredibly difficult for a semi tractor and trailer to get into there. It would seem like any access to that, if they move that access point a little bit further south and made it a direct entrance the trucks would not have to go onto Wilmot Road at all. Right now it looks to me like they've deliberately designed it so that it's going to divert most of the traffic all the way around the building on Wilmot Road. I agree with Al, it seems like I've seen a semi tractor trailer go past the house every half an hour or so. I don't think that was anticipated in the usage for that piece of property in that neighborhood.

The other question I have is on the piece of property on the northeast corner there. I was wondering what is the purpose of those new buildings? Are those all retail or office rental? I'm a little bit concerned. The two that are immediately in front of the proposed addition are facing the proposed addition. The one on the far northeast corner is facing Wilmot Road on the corner there, and I'm just wondering if that's planned to be retail. The documents I received didn't say anything about what the actual purpose of those buildings were.

Donald Hackbarth:

Anybody else?

Alan McDowell:

Excuse me, one more comment. In regards to the semi parking in that particular neighborhood, I know of persons who have commercial property, namely Truesdell Mini Mart, and they propose to have semi parking in the back of their properties, and they actually have a gas station where people come in or trucks come in and the Board and the Village won't allow them to park semi trailers in the residential neighborhood. They're right there on Highway 50 which is a commercial highway, and I don't see how that would fit with the neighborhood plan to have semi

parking in that particular area. We do have a lot of industrial park and I think a place for an industry like Rust-Oleum is in the industrial park and that's where they should be.

Donald Hackbarth:

Anybody else?

Jay Minsloff:

I live across the street, 9230. I watch everything that's pretty much developing in the area and I would encourage the Board—

Donald Hackbarth:

Could you give us your name first?

Jay Minsloff:

Jay Minsloff. I would encourage the Board to continue with its outline of planning that I've heard when the documentation was read that this is a nonconforming piece of property. I recognize you want to keep it alive or everyone wants to keep it alive. I would like to indicate that they have been good neighbors from the standpoint I was very concerned about the trucking that was going past my house every day, sometimes as early as 4 a.m. in the morning and so forth, but they haven't been using engine breaking and things of that nature so they have been good. They have been improving the property as noted and keeping it up very well. But I think we do need to see as far as the people who live in the area you've got some plans in regards to residential housing to increase that. We do have a park for this type of facility, and until we really see if it's going to be retail we've got big concerns with traffic. I've already noted that in other meetings that I've attended that that particular corner of H and C is very difficult. It's getting more and more busy, tractor trailer traffic increasing that it wouldn't be advantageous at this point in time to increase that. So I would encourage you to go with the plans that I think you're developing as we go towards our 2010 objective. Thank you.

Donald Hackbarth:

Anybody else?

Jim Gormly:

I'm Jim Gormly, Attorney at Foley and Lardner, 777 East Wisconsin Avenue, Milwaukee, 53202. I just want to make two or three quick points. First, there is an existing conditional use of this property in the industrial framework. I understand your need to follow the Smart Growth guidance, but until the zoning gets changed, the M-2 is the zoning of the property and the use is allowed with the conditional use. We believe we meet all of the requirements for a conditional use permit for this expansion.

I understand your desire to have retail there but the time is not right. And in order to keep this property economically viable, until it's ready for retail I think Mr. Murphy has presented a plan

that works for everybody. It will allow him to make productive use of his property until it's ready to be retail, and when it's ready to be retail it can be converted very easily to the retail use.

I just want to make sure, too, for the record that the Market Feasibility of Commercial Development Report 9201 Wilmot Road prepared for American Heritage Corporation by Strategy Planning Associates and dated October 2005 is made a part of the record of this public hearing. Thank you.

Donald Hackbarth:

Anybody else? Anybody else? No one else?

Dan Murphy:

The points that were brought up were very valid and good points. One, traffic on C. One of the reasons that this is not a retail site today is because you do need traffic. For the big box tenants, and big box tenants is what you'll need to do 300,000 to 400,000 feet on this site, you need 35,000 to 50,000 cars a day. So those folks that live on C, the people that think that C and H is congested now, it will get more congested. I know that DOT has plans to possibly straighten that corner back out and put it back the way it was and put a stoplight in. That would help the situation, but your traffic would be increased when you go to retail.

As far as access on 88<sup>th</sup> Street, down here absolutely correct. We looked at that when the architect drew that. You're absolutely on the money. We believe that that point should be moved down where there's a street on the other side so the two would maintain, kind of the same thing we did up here with the school. We realigned the streets so that they would connect. It would make the traffic pattern better here and would not conflict with the fire department and their access road here.

As far as the corner, that 20,000 to 25,000 feet of retail. It's what the feasibility expert claims should go here. He saw it as possible convenience, White Hen, gas station, cleaners, possibly a Subway, someone like that when the traffic picked up. These buildings were free standing buildings. They could be small retail buildings. They could be office professional buildings.

Wayne Koessl:

Through the Chair may I have a point of order? I had nothing here talking about retail on my agenda.

Jean Werbie:

I believe that Mr. Murphy is just responding to the question that was pointed to him in the audience. For the record, the staff's written comments say that we are really not going to be talking about the commercial corners this evening, but he wanted to just show what his intentions were as part of the master plan. But that is not something for the Plan Commission to make a decision on tonight.

Wayne Koessler:

I think that's something for a different meeting and a different agenda instead of what we have tonight.

Dan Murphy:

Okay, I was just answering the question.

Wayne Koessler:

. . . we shouldn't be able to talk about that anyhow.

Dan Murphy:

Okay, thank you.

Donald Hackbarth:

Anyone else? Anyone else? Anyone else?

Jean Werbie:

Mr. Chairman, I believe as a point of order, the Market Feasibility Study that was referred to by Mr. Gormly and Mr. Murphy should only be referred to in title only. Since the Plan Commission has not seen it and it's not part of your packets it can't be made part of the public record if no one has seen it. So if you'd like to continue this matter to another meeting, I'll certainly have copies made for everyone of that Market Feasibility Study so it can be reviewed, and you can comment on it because I don't believe that it is entirely appropriate to include something into the record if no one has seen it other than myself or the staff and the petitioner.

Donald Hackbarth:

It's nice to see the layouts here, it's nice to see them, but to come in here not knowing this was going to take place is kind of difficult. Are we done with the public hearing? Let's open it up for Commission comments.

John Braig:

I'm confused. According to what we have here we're talking about an addition to the occupied Rust-Oleum, and then we're told that Rust-Oleum is not going to occupy it but we still want to build the addition. This is a large manufacturing type building. Then we slip in the word retail. How does retail fit into a building like this? Without regard to the overall planning and so on. I just don't see retail in a building of this nature. And if it is retail in this building, I don't think I'd approve it because it's not the kind of retail that we'd want.

I get the impression that we're throwing out terms and ideas hopefully to influence us positively. I'm influenced very negatively. I don't know what you're asking for. I don't know what we're

asked to approve, and I sure as heck ain't going to approve a pig in a poke. I want to know concrete what are we going to do out here and I don't see it.

Jim Bandura:

Just a quick comment. Or, maybe you can outline on how the truck traffic is going to flow through this if this was approved tonight. I'm having a little problem. I agree with the gentleman out there that they do accidentally or whatever disregard the load limits on there and I do seem them go down Highway C. I travel Highway C and I do see that. I realize that traffic is starting to increase on Highway C, because there's a lot of blind spots when we come around that. There's curves on it. At 104<sup>th</sup> there's curves. Just the subdivision coming out of there, River Oaks and Heritage Valley or whatever it is. I understand it's starting to increase and I do see trucks. And I also see trucks come down 104<sup>th</sup> and that's got a load limit on it, too. That is my concern especially right across from the school.

Getting to the fact of this being occupied, Rust-Oleum is currently there, am I correct? So my question is how are the trucks going to flow around this property if it is really approved? Jean, if you can give him the pointer or whatever or Mike or if somebody can answer that.

Mike Pollocoff:

Commissioner Bandura, Mr. Murphy had some comments on what they had planned, but the Village ordinance on truck limits, where we place those limits on County roads and Village roads, is that it's meant to stop through traffic, but if there is somebody making a deliver to a parcel that's on a County road that's restricted in weight, they can make that delivery. We don't isolate those kind of trips at all. So the fact that it's one of those issues that the Tri Clover building was a manufacturing use, the use existed there, trucks went on Highway C to get there, that's permitted. Anywhere in the Village a truck can drive down a Village road with weight limits if they're going someplace on that road. They can't use that road as a short cut or a short way to get someplace. If you saw a truck going on 104<sup>th</sup> under the weight limits that's illegal. And it would be illegal if someone was using C between the Interstate and 50. That's illegal. But if they're going to Mr. Murphy's property, if it's a truck delivering furniture to Pleasant Prairie Elementary those are legal uses because they're going to a place on that road.

John Braig:

There's no consideration for the distance? In other words, if they came in off of 50 it would be a much—

Mike Pollocoff:

No. If the use was expanded there the staff would request that as one of the conditions to get the traffic onto 88<sup>th</sup> Avenue which is not a weight restricted road. But there is no limit on the distance. If you're getting from wherever you're going and your destination is on that weight restricted road you're allowed access on that road.

Jim Bandura:

And that's understandable, Mike. If there's a delivery in the area that's understandable. And there have been a number of trucks that do use 88<sup>th</sup> going to Rust-Oleum. That's okay, but, again, there's been whether it's a delivery or Rust-Oleum or whatever, there have been trucks that have gone down Highway C and that's a concern of mine that they pass right in front of the school.

Mike Pollocoff:

Under our ordinances that's legal.

Jim Bandura:

I understand.

Donald Hackbarth:

Mr. Murphy, are you going to make a presentation . . . .

Dan Murphy:

Staff was very clear about traffic.

John Braig:

I thought the public hearing was closed.

Dan Murphy:

I was answering his question. Staff was very clear about traffic here. There are acceleration lanes, deceleration lanes, left hand turn lanes drawn in here. We were told that we would have to widen 88<sup>th</sup> Avenue. All truck traffic would be off of 88<sup>th</sup> Avenue. That's why the docks were placed on this side of the building. Actually, the trailer parking would not be here. This would be parking for the occupants and the trailer parking would go back here. Again, the suggestion was correct, it should be moved down so that trucks can get in, out and down 88<sup>th</sup> Avenue.

Jim Bandura:

Again, my concern is you have an entrance that's west of the school entrance and I see trucks sneaking through there or whatever. So it's hard to police I understand.

Dan Murphy:

I will advise them after this meeting. I don't know what I can do about standing out there. These parking lots that are in the front of the building are actually for the people that work in the building, work in the warehouse or in the office area although it is unoccupied at this point. So there has to be some passenger vehicle entrance to get at these parking lots and that's what they're really designed for. Truck access should all come out this way. Today we do not have

this availability to get at this point. The traffic pattern is like such, so trucks should be going down this way, getting onto 88<sup>th</sup> and going north or south. But staff was clear on that point.

Wayne Koessl:

I don't know if the Commission has any more comments, but if they do not I would like to send a recommendation of denial to the Village Board for the American Heritage Corporation conceptual plan. The reasons as noted in the November 27, 2006 Village staff report which I think says it all.

Donald Hackbarth:

All those in favor of the denial—

Jean Werbie:

I'd actually like to read the staff recommendations into the record.

Mike Pollocoff:

Before that, is there a second on that motion?

Larry Zarletti:

Is there a second and then discussion on it?

Donald Hackbarth:

We need to second the motion.

John Braig:

I'll second it.

Donald Hackbarth:

Mr. Zarletti had a comment.

Larry Zarletti:

On the discussion before we get forward with that, it's my understanding that Rust-Oleum has been a good neighbor to date even by the testimony we had here today. So it probably wouldn't be a bad idea to contact them, either through the gentleman who is here tonight, Mr. Murphy, or to contact them directly, and suggest to them that they use Highway 50 whenever they can rather than the full stretch from I-94 in. Even though as Mike Pollocoff pointed out, legally there's probably not a problem with them coming to the facility that way, if there's another way they can come, we don't know if they won't do it because we haven't asked them. So I would recommend that we go ahead and ask them.



As I look through the information tonight when it talks about volatile threat to surrounding non industrial areas while increasing significant amount of truck traffic in the area, it's pretty much a no brainer. I concur with my colleagues that we really didn't want to discuss beyond what was on the paper tonight. So those are my comments.

Donald Hackbarth:

I've also got a comment here. On the third blue page back side under notification it talks about putting it on hold. Is that simply the water situation, the water management, or are they proposing the whole thing should be on hold?

Jean Werbie:

It was just the storm water retention basin at this point.

Donald Hackbarth:

I didn't know if that was part of the water management or if that was a general statement they were making.

Jim Bandura:

Don:

Donald Hackbarth:

One more comment.

Jim Bandura:

One more comment. Jean, does the property owner that's developing the residential aware of this? Ashbury are they aware of what's proposed tonight?

Jean Werbie:

Yes, they are aware of it. I thought that they might be present this evening but I don't see them. But it's Alpha Land, LLC. The principal owner is Marc Borque and he is aware.

Donald Hackbarth:

You've heard the motion and the motion is for denial.

Jean Werbie:

I'd like to read the staff recommendation into the record. Staff recommends that the Plan Commission send a recommendation of denial to the Village Board for the conceptual plan. The reasons for recommendation of denial are as follows:

1. According to the Village Comprehensive Land Use Plan, most recently updated in 2006 and as amended from time to time, the only areas in the Village that are deemed appropriate for Industrial uses are those areas within and immediately surrounding the LakeView Corporate Park East and areas west of I-94.
2. The proposed Conceptual Plan for an approximate 300,000 square foot building addition to the existing 346,450 square foot building for Rust-Oleum does not comply with either the Village Comprehensive Plan Map or the Prairie Ridge Neighborhood Plan.
3. The predominant surrounding land uses consist of non-industrial and non-manufacturing uses including Pleasant Prairie Elementary School and residential uses. The proposed Conceptual Plan warehouse and distribution center use to allow Rust-Oleum to expand the storage of aerosols, brush paint and paint related products possess a potential volatile threat to the surrounding non-industrial areas while increasing a significant amount of truck traffic in the area. Again, we heard tonight that it's not going to be Rust-Oleum, but it might be some other industrial-related use.
4. The current property owner purchased the properties that comprise the Conceptual Plan site in September 2004 for \$5 million. He also mentioned this evening that several hundred thousand dollars were put into an ESFR sprinkler system and truck docks into the building. Prior to the purchase of the properties, the current owner/applicant and broker met with the Village staff on several occasions to discuss the Village staff's opinions and recommendations as to what was the appropriate future use for this site. The fact that the zoning and use of this property do not correspond to the either the Village Comprehensive Plan or the Prairie Ridge Neighborhood Plan was noted to the owner/applicant on several occasions.
5. As a part of the February 13, 2006 Conditional Use Permit and Site and Operational Plan Village Staff memorandum for Rust-Oleum, Conditional Use Grant Document No. 06-01, Item #12 in the memo it was noted that: According to the Village Comprehensive Land Use Plan Map, this property is designated as Commercial – Community Retail Service Center, thus suitable for future commercial uses. Appropriately, the Prairie Ridge Neighborhood Plan, adopted by the Plan Commission on May 10, 2004 also designates this property for commercial uses. Given this property's historic industrial use, the Village at this time can continue to support the on-going industrial/warehouse building use. However, if the Comprehensive Land Use Plan Map is not amended in the near future to reflect the current industrial/warehouse use, the continued use of this property as an industrial/warehouse use is questionable.
6. The owner/applicant was informed during several meetings and telephone conversations that the Village staff would not support a building addition for industrial type uses.
  - a. In a July 31, 2006 email between Ms. Maureen Hardy of American Heritage, owner, and myself as the Community Development Director, pertaining to a different manufacturing use in the building I had indicated, and this is a quote from my e-mail:

"I understand your concerns as noted below, however, in addition to the planning staff, I just learned today that both the Village Administrator and

Utilities Dept. Head are not supportive of this type of heavy manufacturing use at this location. As I mentioned previously and in many discussions prior to the purchase of the building, heavy manufacturing uses requiring conditional use permits are not the type of uses that the planning staff is supporting at this location due to the building's proximity to the school and existing and proposed surrounding residential properties, the need for air quality permits, the need for special waste water processes/treatment, the potential for even more open docks/loud speakers, the storage of chemicals, the potential for outdoor storage, performance standards, noise, odors, and many other reasons. As discussed in the past, this property has not been identified in the Village's Comprehensive Land Use Plan as a heavy manufacturing site today or into the future." That's provided as Exhibit A.

b. As recent as Monday, October 30, 2006, and Wednesday November 15, 2006, the Village staff met with Mr. Daniel Murphy, owner, to discuss the proposed Concept Plan. During that meeting, the Village staff informed Mr. Murphy that the Village staff would not support the expansion of the existing industrial/manufacturing building.

The other final footnote that I would like to make is that the marketing study which obviously the Plan Commission has not seen, does identify commercial land uses in the future. That was the purpose our land use planning that we had put together back in 1996, that we didn't envision commercial uses immediately but in the future, again, as the areas along Highway 50 developed to great extent and they're looking for additional commercial sites. As Highway C interchange is completed as I mentioned early in correspondence this evening, that that will make a full interchange at that location at I-94 and bring more traffic to the Village through that interchange especially when Highway 50 becomes very overburdened. So there will be greater traffic counts on Highway C coming into our community, and maybe that will be the time things will start to turn and change with respect to what would be the highest and best use for that property.

With that, the staff has enjoyed a very good working relationship with Mr. Murphy regarding this project and what he's done to date. He has been a good corporate citizen in Pleasant Prairie, but the staff does recommend denial on the project that he's presenting this evening.

Donald Hackbarth:

**MOTION BY WAYNE KOESSL AND A SECOND BY JOHN BRAIG IS ON THE TABLE TO DENY THE APPLICATION AS NOTED IN THE STAFF COMMENTS. ALL IN FAVOR OF DENIAL SAY AYE.**

Voices:

Aye.

Donald Hackbarth:

All opposed? Motion for denial passed.

**B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATION PLANS on behalf of Terry Callahan, agent for Sprint PCS, to remove the existing ground-mounted equipments cabinets, construct a new equipment shelter and to replace the 9 existing antennas on the Village Water Tower with 9 new antennas within a leased area on Village-owned property on 57th Avenue just north of 104th Street.**

Jean Werbie:

Members of the Plan Commission, this is a public hearing, and as part of the public hearing comments and part of the hearing record, Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below and will be read into the record.

Under findings of fact:

1. Sprint PCS, hereinafter referred to as Sprint, is requesting a Conditional Use Permit, including Site and Operational Plans, to:
  - Remove the existing ground-mounted equipment cabinets.
  - Construct a new equipment shelter.
  - Replace the 9 existing antennas located on top of the 145 foot Village Water Tower with 9 new similar sized antennas.
  - Add an additional six coaxial cables to the Water Tower.
  - Provide a temporary use of a COW known as Cell on Wheels during the project work.
2. The project area consists of a fenced-in 30' x 30' or 900 square feet leased on Village-owned property located at 10300 A 57th Avenue, Tax Parcel Number 92-4-122-224-0111.
3. For security reasons, in addition to the lease-area fencing, the Village installed a 6 foot high chain-link fence topped with 3 strands of barbed wire.
4. Background Information:
  - On January 9, 1995, Village Plan Commission approved a Conditional Use Permit, Grant Document # 95-001, for the construction of a 750,000 gallon Village Water Tower on this site.
  - On November 12, 2001, the Village Plan Commission approved a Conditional Use Permit, Grant Document # 01-17, and conditionally approved the Site and Operational Plans for SprintCom Inc., to construct and operate a cellular telephone facility consisting of nine antennas mounted to the top of the existing Village Water Tower and the

associated electronic equipment cabinets located at the base of the water tower.

On January 27, 2003, the Village Plan Commission approved a Conditional Use Permit, Grant Document # 03-02, and conditionally approved the Site and Operational Plans for Verizon Wireless to construct and operate a cellular telephone facility consisting of nine antennas mounted to the stem of this existing Village water tower at a height of 72 feet on-center and the associated electronic equipment shelter located at the base of the water tower.

5. On November 6, 2006 the Village Board approved amendments to the existing Lease Agreement, Wireless Communications Options Agreement, between Sprint and the Village pursuant to the proposed changes to the Sprint facilities on the Village-owned property. The amended Lease Agreement shall be executed and recorded at the Kenosha County Register of Deeds Office.
6. The current zoning of the property is I-1, Institutional District and the commercial communication structure and associated equipment requires a Conditional Use Permit from the Plan Commission.
7. For further information, refer to the applicant-submitted Conditional Use Permit, including Site and Operational Plans application and the associated attachments included with this packet.
8. The continuing location of this facility on the Water Tower avoids the proliferation of communication towers.
9. The approximate 14 foot high, 25' x 12' or 300 square foot equipment shelter to be located at the base of the tower, directly east of the existing Verizon equipment shelter, is proposed to house the Sprint equipment that was formerly located outside within ground-mounted cabinets.
10. As noted, the entire Village Water Tower site is already fully enclosed by a fence, as is the Sprint lease area. The Sprint fence is a 6 foot high chain-link fence topped with 3 strands of barbed wire and incorporates vertical black plastic interwoven slats for screening purposes. Given the existing Village constructed fence, there is no need to retain the existing Sprint fence enclosure. Moreover, the Sprint equipment will now be located within an enclosed building, which will be more secure than the open-air cabinet's configuration. As noted on Plan Sheet C-2, the existing Sprint fence enclosure around the 900 square foot lease area shall be completely and permanently removed.
11. According to the application, the proposed equipment shelter will incorporate a brick exterior and a shingled, pitched gable roof. The Village is requiring that the new Sprint equipment shelter be constructed with similar exterior brick and shingles, and a similar gable roof pitch as the Verizon building on the site. Also, the equipment shelter shall also be oriented in the same north-south fashion as the existing Verizon building. Samples of the brick and shingles shall be submitted to the Village for staff and Plan Commission review and approval.

12. Additional evergreen trees shall be planted on the north, south and east sides of the Sprint equipment shelter.
13. The antennas shall be painted that same color as the existing antennas array that is atop this Village water tower, or the antennas shall be painted a color that is approved by the Village Utility Superintendent.
14. In previous discussions between the applicant and Ron Kammerzelt, Village Utility Superintendent, there are several outstanding issues pertaining to the 2003 Sprint antenna installation that must be remedied. Refer to the November 15, 2006 Crispell-Snyder, Inc. review letter. That's provided as Exhibit A in your packet. All comments and conditions as stated in the November 15, 2006 Crispell-Snyder, review letter shall completed and/or addressed prior to any new Building Permits being issued for this new Sprint request at the 57th Avenue Water Tower site.
15. The Communication Act of 1934 is the Federal regulation, which governs the telecommunications industry; Section 322 of said Act, as amended by subsection (iv) of the Telecommunications Act of 1996, provides guidelines to state and local governments regarding the citing of antenna facilities. One such guideline governs what information may be considered during the zoning approval process. That is, as long as the antenna facility complies with emissions standards established by the FCC in Section 704(b), it is considered that there are no health or safety risks posed by the equipment, and Plan Commissions may not directly or indirectly consider health and safety issues during the zoning process when considering a telecommunications facility, which falls under this Section.
16. According to the Village Attorney, specifically the Act prohibits the state/local units of government from denying a wireless communication company's request based upon environmental or health effects or concerns if the wireless communication company complies with the regulations on RF emissions set by the FCC.
17. The petitioner has provided information to illustrate compliance with the Conditional Use Standards as attached as the Standards for Conditional Use.
18. The Village-installed chain-link fence enclosing the water tower site encroaches onto the property to the immediate east. The Village shall relocate/remove the portion of encroaching fence.
19. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on November 13, 2006. Notices were published in the *Kenosha News* on November 13 and November 20, 2006.
20. The Village emailed/faxed the petitioner a copy of this staff report on or about November 22, 2006.
21. According to Section 420-145 F. of the Village's Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing this evening that the project as planned will not violate the intent and

purpose of all Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all Village ordinance requirements and all other applicable Federal, State or local requirements.

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

Donald Hackbarth:

This is a matter for public hearing. Would somebody like to speak on this issue?

Terry Callahan:

Good evening. My name is Terry Callahan. I am the petitioner here on behalf of Spring Wireless. I reside at 210 West 22<sup>nd</sup> Street, Oakbrook, Illinois. As Jean indicated, the plan is pretty simple. I think in working with Ron Kammerzelt and Mike Pollocoff and the lease negotiations and we did the lease amendment, the Village is going to receive more money for actually just the additional lines that will be added to the water tank. In theory what you'll see today is what you'll see again of our construction on the tank today. We're not adding any additional new antennas at the top. I did think that there were some concerns esthetically about the equipment that stood outside the shelter which is basically hidden by the water tank, but I think in working with Ron we'll drastically improve the esthetic view of that by matching the existing Verizon cabinet that I saw a picture of up there earlier during Jean speaking.

It's been a good experience working with Tom and his group, and we're here obviously to seek your approval of the project and start construction so we can improve wireless coverage here in your community.

Donald Hackbarth:

Thank you. Any other comments? Anybody else? Anyone else? I'll close the public hearing and open it up to Commissioners.

Jim Bandura:

Question to staff. Jean, on Item 11 are you intending to bring this back to the Plan Commission for review of the samples? The reason I'm asking is because we know what is needed and we kind of trust you on that, and you've got it pretty clear here what it should be. Is it necessary?

Jean Werbie:

He did not bring the samples with him this evening, so you can either defer to the staff, or when he brings in the sample we will have them available at our department for you to stop in and take a look at.

Larry Zarletti:

Let's defer to the staff.

Jim Bandura:

Correct, I'm in agreement to defer to the staff.

Donald Hackbarth:

Do we need a motion on that or should we just add it to the motion?

Jean Werbie:

Let's just add it to the motion.

Larry Zarletti:

Mr. Chairman, I would move approval with that condition.

Andrea Rode:

Second.

Donald Hackbarth:

There are some other recommendations and conditions that you want to read?

Jean Werbie:

Yes. As part of this process because it is a conditional use, I do need to read the findings and conclusions and recommendations into the record. The Village staff has determined that based upon the foregoing information presented in the application that the project meets the following standards for granting a Conditional Use Permit in that:

- a. does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and the traffic patterns on the site do not hinder, harm or distract the provisions of public services;
- b. does not impair an adequate supply of light and air to the adjacent properties;
- c. does not increase danger of fire--in so far as the danger of fire does not exceed the capabilities of the Village Fire & Rescue Department as shown in the Exhibit B;
- d. does not create storm water flooding or drainage problems or otherwise endanger the public health, safety or welfare;
- e. has no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency that would endanger the public's health, safety or welfare related to the proposed use;



- f. the proposed and applied for use on this particular parcel is not inherently inconsistent with either the I-1, Institutional District in which it is located or the adjoining zoning districts and neighborhood; and
- g. the proposed and applied for use will comply with all applicable Village ordinance requirements and all other applicable federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, noise, streets and highways and fire protection.

Based on the foregoing information, the staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for granting of a conditional use permit then approval of the Conditional Use Permit, including Site and Operational Plans, shall be approved subject to the conditions as I read into the record. Some of them as well as those that are outlined in the staff memorandum, and it goes through 36 conditions with the one modification that the staff will work out the colors of the brick and samples of the building without having it come back to Plan Commission for approval.

Donald Hackbarth:

**MOTION BY LARRY ZARLETTI AND A SECOND BY ANDREA RODE TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS SUBJECT TO THE COMMENTS AND CONDITIONS READ INTO THE RECORD BY VILLAGE STAFF. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Donald Hackbarth:

Opposed? Approved.

**C. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT to correct the Zoning Map and rezone the non-wetlands on a portion of the property generally located on the west side of 115th Avenue at 79th Street in the area of the proposed Village sanitary sewer lift station from the C-1, Lowland Resource Conservancy District to the C-2, Upland Resource Conservancy District; and to rezone a portion of the property in the area of the proposed lift station that are wetlands from the C-2, Upland Resource Conservancy District to C-1, Lowland Resource Conservancy District.**

Jean Werbie:

Members of the Plan Commission, on August 21, 2006 Dave Meyer with Wetland & Waterway Consulting, LLC delineated the wetlands on a portion of the property located on the east side of 115th Avenue at 79th Street which is located just west of the Chateau Eau Plaines Subdivision. The property is further identified as a portion of Tax Parcel Number 91-4-122-072-0142. This

area was delineated to ensure that a proposed Village sanitary sewer lift station could be located in a non-wetland area of the site.

On October 31, 2006, the Village received a letter dated October 27, 2006 from the Wisconsin DNR that concurred with the wetland staking and related report submitted by Dave Meyer with Wetland & Waterway Consulting, LLC

As a result of the wetland staking being completed and approved by the DNR, a Zoning Map Amendment is proposed this evening as part of this public hearing to correct the zoning map and rezone the non-wetlands on a portion of the property in the area of the proposed Village sanitary sewer lift station from the C-1, Lowland Resource Conservancy District to the C-2, Upland Resource Conservancy District. The areas within the Floodplain Overlay District will remain unchanged on the property. This is a matter for public hearing so I'd like to continue the hearing at this time.

Donald Hackbarth:

This is a public hearing. Would anybody like to speak on this? Anybody?

Richard Erving:

I live near that canal right there. Richard Erving, 115<sup>th</sup> and 79<sup>th</sup>. I live about right there by that canal. How is that going to affect me? It's wide open. Are you talking about closing it or leaving it open?

Mike Pollocoff:

This doesn't have anything to do with that drainage channel. We're not doing anything with that.

Richard Erving:

Am I guaranteed no more floods?

Mike Pollocoff:

This has nothing to do with flooding at all.

Richard Erving:

Your sewage backed up a few times in my house.

Mike Pollocoff:

It should mitigate that. That's the whole purpose of the Village's plan in doing this is to improve sanitary sewer service in that area so that we don't have any flooding.

Richard Erving:

Are you guys going to have pictures of it before you guys approve it so the people see it and it's going to look nice or what?

Jean Werbie:

That's the next item on the agenda.

Mike Pollocoff:

That's the next item on the agenda. The Village staff conducted a neighborhood meeting earlier this year to get some feedback from people as to what they'd like the building to look like. Commissioner Hackbarth, if you'd like to act on both items, hear both items and we could discuss the site and operational plan.

Donald Hackbarth:

Commissioners, would you like to pick up item D as well?

Voices:

Yes.

Donald Hackbarth:

Let's read it into the record.

**D. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of Robert Martin, Village Engineer, agent for Village of Pleasant Prairie owner of the property generally located on the west side of 115th Avenue at 79th Street for the construction of a 384 square foot Village sanitary sewer lift station building to service the adjacent Chateau Eau Plaines and Zirbel areas.**

Jean Werbie:

I would like to begin the public hearing by saying the item should say that it's going to be on the west side of 115<sup>th</sup> Avenue and not the east side. So since this is a conditional use permit request and a public hearing, I'd like to read the findings of fact into the public record. The Village compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below:

1. Robert Martin, Village Engineer, agent for Village of Pleasant Prairie owner of the property generally located on the west side of 115th Avenue at 79th Street is requesting approval of a Conditional Use Permit, including Site and Operational Plans for the construction of a 384 square foot Village sanitary sewer lift station building to service the adjacent Chateau Eau Plaines and Zirbel Subdivision areas. The Conditional Use Permit Application and the associated attachments and plans are provided as Exhibit 1.

2. Pursuant to the Des Plaines River Watershed Study a portion of the property located near the lift station location is within the 100 year floodplain. The location of the 100-year floodplain has been identified on the plans and the lift station will not be located within the 100-year floodplain. We are not displacing any floodplain. That's provided as Exhibit 1.
3. A public meeting was held by the Village Engineer and Village Administrator in 2006 whereby area Chateau Eau Plaines residents were invited to obtain information about the pending Village Lift Station and force main project. Mr. Pollocoff can go into some of that detail this evening as well.
4. On August 21, 2006, Dave Meyer with Wetland & Waterway Consulting, LLC delineated the wetlands on a portion of the property located on the west side of 115th Avenue at 79th Street and further identified as a portion of Tax Parcel Number 91-4-122-072-0142. This area was delineated to ensure that a proposed Village Sanitary Sewer lift station could be located in a non-wetland area of the site. The Plan Commission is holding a public hearing this evening on November 27, 2006 and the Village Board will consider the Zoning Map Amendment on December 4, 2006. It's provided in your packets as Exhibit 2.
5. The facility is proposed to be located within the C-2, Upland Resource Conservancy District wherein a Lift Station is allowed with approval of a Conditional Use Permit.
6. Pursuant to the application attached as Exhibit 1:
  - a. The Village of Pleasant Prairie evaluated the River Oakes Lift Station which supports 76 customers and the Zirbel Lift Station that supports 297 customers and 9 other potential customers.
  - b. Following the flooding in the spring of 2004, the Village evaluated the Inflow and Infiltration or known as the I & I in the River Oakes and Zirbel Lift Station service area.
  - c. The Village has televised several areas in both service areas following rain events and several repairs have been made by contractors hired by the Village, Village Public Works crews and by private contractors hired by the homeowners to fix leaks in laterals on private property. All of this work resulted in a significant reduction in the I & I in both service areas.
  - d. The Village has seen development potential on the rise in the undeveloped portion of the Chateau Subdivision and has concluded that the most prudent step in providing sanitary service to this areas is to abandon the old lift station located in the 100-year floodplain and install a new sanitary lift station located on the west side of 115th Avenue at 79th Street on property currently owned by the Village.
  - e. The proposed Chateau Lift Station will support 302 residential customers and 42 acres of commercial development for a total area of 188 acres. The

existing Zirbel Lift Station will support 235 residential customers for a total area of 140 acres.

f. In addition to constructing the Chateau Lift Station, a force main within River Oaks will be abandoned, a new gravity line was installed in River Oaks Subdivision, the gravity line connecting River Oaks to Chateau Eau Plaines will be abandoned, and a new force main is proposed within the undeveloped portion of Chateau Eau Plaines.

g. The building will be constructed of brick and cement board siding with matching batten strips and asphalt shingled roof and the site will be landscaped.

7. The property owners and all of the abutting and adjacent property owners within 300 feet of the proposed lift station were notified via U.S. Mail on November 3, 2006. Notices were published in the *Kenosha News* on November 13, and 20, 2006.
8. The petitioner received a copy of this staff report via e-mail on November 22, 2006.
9. According to Article XVIII of the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information presented at the public hearing this evening that that the project as planned, will not violate the intent and purpose of all Village Ordinances and meets the minimum standards for granting of a Conditional Use Permit. In addition, according to Article IX of the Zoning Ordinance, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and will comply with all other requirements of applicable federal, state or local statutes, regulations.

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

Donald Hackbarth:

We'll take both of these items up as a public hearing?

Jean Werbie:

If we could. And the Village Engineer, Bob Martin, would be willing to add to the conversation.

Donald Hackbarth:

Maybe Mr. Martin would answer your question.

Bob Martin:

Let's go back and reiterate a little bit about what Jean had talked about. In the spring of 2004 Southeast Wisconsin was inundated with some pretty heavy rains. The good news was a very small part of the Village was affected. This was in general the area that got hit the worst. And

part of the reason, the River Oaks Lift Station is in the 100-year floodplain right there and has a forced main that goes up. Both are fairly old and they would have to be reconstructed if it were to stay. Plus, it would have to be protected by some means. And even though the Village crews have gone down and tried to protect it, it ended up being inundated and caused some backup in that area. So we'd have to replace the force main that's shown here and then reconstruct and protect that lift station.

The second issue that was talked about is there's a gravity line that comes down. This is the Zirbel Lift Station and that was nearly reconstructed. And this gravity services the area such as Walgreens and the two motels up in that area. It's an older line, and if we left things status quo that line would have to be either rebuilt some day or reconstructed or relined. It's pretty expensive to do for such a small volume of flow that's going through it. So when all this came together we looked at putting a new lift station up here that could service this area, plus a portion of the existing residents down here, and that way we could abandon this lift station and not have to go through the expense by just running the gravity line from that point up to that new station. So in essence we added some 76 homes or thereabouts to that new lift station. But when we take this portion up here to the new lift station there's actually a net reduction that's going to there. So we tried to balance what was happening with the lift stations both from a service area and looked at the future serviceability of the new lift station. So that how a lot of that stuff came together.

May 23<sup>rd</sup> there was a public informational meeting. We mailed out 36 invitations, and I think we had maybe somewhere under a dozen I would say people that came. Those were the immediate properties to the lift station. That's the proposed lift station in the immediate area.

Jean Werbie:

It should be further north. Actually this is the old map.

Bob Martin:

Yes, it's actually right up here. And I would say that in summary what most people were more concerned about was the landscaping around the lift station. We did show them what we had done at the Zirbel lift station since that was a new lift station, and this one is modeled after that. You can see brick siding, asphalt shingled roof and a cement board siding up here. So that's pretty identical to what we had done. People had an involvement with even picking the paint and the color of the brick and so on that one. If there's any questions for me?

Donald Hackbarth:

This is still a public hearing. You're all set? Anybody else want to speak? Anybody else? Anybody else? I'll close the public hearing and open it up to Commissioners.

Jim Bandura:

I have a quick question for Bob. Can you put that drawing back up? Right now there's not any existing houses, but you're saying that's going to service all of that up almost to Highway 50, all of the proposed residential there?

Bob Martin:

No, we're not going to pick up all of everything. We're picking up a part that's serviced mostly up here that comes down into here and I think we're picking up this. Some of this the lines actually go into this area and go down to Zirbel right now. We're only picking up those that would go over to this line.

Jim Bandura:

So what about on 79<sup>th</sup> Street? Are you picking up all those on 79<sup>th</sup> Street?

Bob Martin:

Yes.

Mike Pollocoff:

The majority of Chateau will be fed into the—as far as the number of homes will be fed into the new Chateau lift as well as the platted undeveloped areas of Chateau.

Jim Bandura:

So you are going to include the undeveloped?

Mike Pollocoff:

All the way up to Highway 50.

Bob Martin:

What's kind of confusing is that is platted up here but it's not developed, but it is meant to service those areas up here in the red. That's a commercial area, and that unplatted portion, and a portion of what's there now that went into that gravity system.

Jim Bandura:

And just a quick question to the staff. Who are the property owners on either side of this lift station?

Jean Werbie:

You mean on the east side?

Jim Bandura:

North and south.

Mike Pollocoff:

The Village owns all that land, everything west and north and south.

Donald Hackbarth:

Was this the area that we had to treat from Bristol? This came over from Bristol or not?

Mike Pollocoff:

The waste from Bristol actually went along Highway 50 into Prairie Ridge and then down to Sewer D. There was a point in time where it did come down this line intermittently and went into the Zirbel lift station. But as Bob indicated that line will be abandoned.

Jean Werbie:

I just want to follow up to your question, Jim. Back in the early 1990s I was working with Don Mitroff who was the original developer of the River Oaks Subdivision. He had indicated that he had some desire to develop this entire area, but when he found out that it was 99 percent Conservancy with respect to wetland, floodplain and wooded areas he had asked the Village whether or not we'd be interested in acquiring the donation from him. So I acquired about 167 acres for \$1 from him. So all that area that is west of 115<sup>th</sup> Avenue right there primarily almost all the way over to the developed portions or the parcel portions along the frontage road that was all acquired by the Village of Pleasant Prairie. So it's all in public ownership.

Donald Hackbarth:

That's where the powder plant was or something?

Jean Werbie:

Correct, part of it.

Jim Bandura:

And I hope to see this because right at the end of that street it has been somewhat of a dumping ground so I think this is going to be a good idea to have something at the end of the street.

Jean Werbie:

It's actually just slightly north of that intersection. It's not right dead center when you come to the end of the intersection. It's just north of that.

Donald Hackbarth:

Commissioners or anybody else any comment? Okay, we'll take these as separate items. Do you want to read into the record first?



Jean Werbie:

Yes, I believe I would and then you can accept the staff comments. Village staff conclusions and recommendations. This is regarding the conditional use permit for the proposed Chateau Lift Station. The Village staff has determined that based upon the foregoing information presented in the application and at the public hearing this evening that the project meets the following standards for granting a Conditional Use Permit and Site and Operational Plan approval in that the project:

- does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems;
- does not impair an adequate supply of light and air to the adjacent properties;
- does not increase danger of fire;
- does not create storm water flooding or drainage, create obnoxious odors, problems or otherwise endanger the public health, safety or welfare;
- has no existing identified hazard, danger, harm or offensiveness that would otherwise endanger the public's health, safety or welfare related to the proposed use;
- the proposed and applied for use on this particular parcel is not inherently inconsistent with either the C-2, Upland Conservancy District or the adjoining Residential Districts; and
- the proposed and applied for use will comply with all applicable Village ordinance requirements and all applicable federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, streets and highways and fire protection.

Based on the foregoing information, the staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for the granting of the Conditional Use Permit and Site and Operational Plans as specified above; then approval of the Conditional Use Permit and Site and Operational Plans shall be approved subject to the comments and conditions as outlined in the staff memorandum.

Donald Hackbarth:

We'll take these as separate items. First of all the zoning map amendment.

Wayne Koessl:

Move approval.

Jim Bandura:

Second.

Donald Hackbarth:

**MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO CORRECT THE ZONING MAPS. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Donald Hackbarth:

Opposed say no. Approved. Item D is the conditional use permit.

Larry Zarletti:

Mr. Chairman, move approval.

Jim Bandura:

Second.

Donald Hackbarth:

**MOTION BY LARRY ZARLETTI AND A SECOND BY JIM BANDURA TO APPROVE A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS FOR A SANITARY SEWER LIFT STATION SUBJECT TO THE COMMENTS AND CONDITIONS READ INTO THE RECORD BY VILLAGE STAFF. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Donald Hackbarth:

Opposed? Approval.

- E. Consider the request of Thomas Carrico of the Target Corporation for a six (6) month extension of the May 22, 2006, the Plan Commission conditional-approval of:**
- 1) The Site and Operational Plans for Target (at The Shoppes at Prairie Ridge) and**
  - 2) The Shoppes at Prairie Ridge Engineering Plans.**

Jean Werbie:

Members of the Plan Commission, the petitioner is requesting a six month or 180 day extension of the aforementioned Target plans pursuant to the November 17, 2006 letter. As some background information, on March 20, 2006, the Village Plan Commission conditionally approved the:

- Target Site and Operational Plans at The Shoppes at Prairie Ridge.
- The Shoppes at Prairie Ridge Engineering Plans.

The project area is generally located south of 76th/77th Streets, north of Prairie Ridge Boulevard, east of 104th Avenue and west of St. Catherine's Hospital. Pursuant to those approvals, on June 8, 2006, the Village staff sent the corresponding approval letter notifying the petitioner and property owner, VK Development Corporation, of the conditional approvals.

Under extension request, on November 17, 2006, the Village received a letter from Mr. Thomas Carrico, Real Estate Manager for the Target Corporation, requesting a six month extension for the Target Site & Operational Plans and for The Shoppes at Prairie Ridge Engineering Plans via separate November 21, 2006 email.

The Village ordinance states the following: Effective period. For purposes of the granting of any erosion control permit, zoning permit and/or building permit, a site and operational plan approval shall be effective for a period of 180 days from the date of written notification to the applicant of the decision to approve the application.

Pursuant to the ordinance the 180 day effective period for the aforementioned approvals is set to expire on December 8, 2006. The conditional approval letter was dated June 8, 2006. Therefore, Target is requesting a six month extension of the conditional approvals for the Target Site and Operational Plans and for The Shoppes at Prairie Ridge Engineering Plans.

Then I would just also like to mention that we have been conversation with them regarding surveillance and security and we are working with them, and the staff comments refer to their need for compliance with the security ordinance and they are working out those details as well.

The Village staff recommends approval of the six month extension for the Target Site and Operational Plans as well as the Prairie Ridge Engineering Plans subject to the terms and conditions of the original May 22, 2006 Plan Commission approval. Building permits and/or erosion control permit must be issued and work commenced on this project prior to May 28, 2007 which is the end of the 180 day effective period for this extension. And this is the effective period commencing with the date of the impending extension approval letter. With that they do have a representative here in the audience if the Plan Commission has any questions.

Donald Hackbarth:

This is not for public hearing, but Commissioners any comments?

John Braig:

What is the reason for the delay or the request for an extension? Has anything been going on in the last six months?

Dan Cohen:

Good evening. My name is Dan Cohen. I'm here on behalf of Target. I'm with Mid America Real Estate, 648 North Plankington Avenue, Milwaukee, Wisconsin, 53203. Commissioner, your

question is a good question. This development is going to change a little bit in that Target is going to take the lead role. Before when people have been before you, VK Development was the developer of record to develop the Target side as well as the adjacent retail. There's been some obstacles and hurdles between the developer and Target, and those parties are now in a position that they believe it's best for Target to take the lead in the overall development. Things got bogged down and Target would very much like to be part of Pleasant Prairie and get this development going.

So our expectation, our hope with this extension is that we'll be back in front of you very shortly with Target's both internal and external team, engineers, etc. to get this going again.

Jim Bandura:

So you're going to spearhead the whole development of the Shoppes and Target, correct?

Dan Cohen:

I'm a representative of Target. I represent them in the State of Wisconsin. This is an unusual transaction for Target in that typically a developer will take the lead. Target buys their pad, their 11 acres or 12 acres the buildings are open and the developer does the rest. This is a unique situation. For a variety of reasons VK Development and Target couldn't agree on some things. Target says we want to get open. This is an important store in our strategy in Wisconsin and Target is going to take the lead on the overall development.

Donald Hackbarth:

Are you going to be open for Christmas?

Dan Cohen:

Christmas '07.

Jim Bandura:

So getting back to that, then all the rest of the shops that are going in there they will be answering to you as far as their development goes then?

Dan Cohen:

Yes. And the good news is there's plenty of retailers that want to be a part of the community. It just needs to be fine tuned. Again, we're really trying to get the thing going.'

Jim Bandura:

So you essentially want to move this along very quickly then?

Dan Cohen:

Yes.

Donald Hackbarth:

Jean, is this the property or the facility that we were talking about the face, the exterior?

Jean Werbie:

Yes.

Donald Hackbarth:

Has that been resolved?

Jean Werbie:

Yes.

Donald Hackbarth:

Any other comments?

Jim Bandura:

So, Jean, we're actually okay with the elevations and everything that's going on?

Jean Werbie:

With respect to the Target facility itself and the conceptual plans that had been presented to the Plan Commission for the balance of the Target Shoppes at Prairie Ridge. So at this point the same approvals that were looked at prior to when it was going to be under VK ownership is the same. They will need to go through the detailed site and operational plan approval still for the balance of the site. They will be taking over the lead role in doing that.

John Braig:

As I recall, we approved it six months ago subject to the petitioner working out with staff some of the details as to appearance and the elevations.

Donald Hackbarth:

Okay, can I have a motion?

Andrea Rode:

I move.

Jim Bandura:

Second.

Donald Hackbarth:

**MOVED BY ANDREA RODE AND SECONDED BY JIM BANDURA FOR A 6 MONTH EXTENSION FOR TARGET CORPORATION. ALL APPROVE SAY AYE.**

Voices:

Aye.

Donald Hackbarth:

Opposed? Approved.

Jean Werbie:

And this is subject to all the comments and conditions?

Donald Hackbarth:

Yes.

**F. Consider the request of VK Development, property owner, for a Certified Survey Map to subdivide Tax Parcel Number 91-4-122-182-0135, located within the Prairie Ridge commercial area, into three (3) lots and one (1) outlot.**

Jean Werbie:

Members of the Plan Commission, similar with the last request on the agenda, this is a request by VK Development, the property owner, for a certified survey map extension of the approval in association with the development with the Shoppes at Prairie Ridge Development, which includes the Target Store, the petitioner/property owner is requesting to extend the approval to subdivide the approximate 44 acre property now identified as Lot 1 of CSM 2514 generally located at south of 76th/77th Streets, north of Prairie Ridge Boulevard, east of 104th Avenue and west of St. Catherine's Hospital, to create three lots and one outlot.

As background information, on March 20, 2006, both the Plan Commission during a Special Meeting and the Village Board at their meeting conditionally approved this CSM. However, one of the approval conditions required the petitioner to record the CSM with the Kenosha County Register of Deeds Office and provide a copy of the recorded CSM to the Village within 30 days of final CSM approval. To this date, the CSM has not been recorded; therefore, the CSM review and approval process shall begin anew. So they are asking for reapproval of the certified survey map subject to the original comments and conditions that were outlined back now and are reiterated once again for you in the staff comments.

So the staff is going to be recommending approval of the certified survey map, however we are requesting that this approval extend for six months rather than the typical 30 days. So the staff recommends approval of the CSM subject to the staff comments. I'm not going to re-read them

all back into the record, as well as the conditions 1 through 6 as outlined in the staff memorandum as presented this evening.

Donald Hackbarth:

This is not an item for public hearing.

Wayne Koessl:

Through the Chair to Jean. Why six months instead of 30 days?

Jean Werbie:

Because this is tied and linked to the conditional extensions of approval for the site and operational plans for Target just approved by the Plan Commission.

Wayne Koessl:

Will it take them that long to file?

Jean Werbie:

No, but it's tied and linked directly to the purchase of the property and the Target approvals and the engineering site plan approvals that were just granted a six month extension. So we're recommending that this be linked directly to that same time frame. I don't believe the actual ministerial act of recording the CSM will take that long, but they are still working out the details between the developer and Target.

Donald Hackbarth:

Anybody else? Can I have a motion?

Jim Bandura:

Move for approval.

Judy Juliana:

Second.

Donald Hackbarth:

**MOVED BY JIM BANDURA AND A SECOND BY JUDY JULIANA TO  
CONDITIONALLY APPROVE THE 180 DAY EXTENSION FOR THE TARGET CSM.  
ALL THOSE IN FAVOR, SAY AYE.**

Voices:

Aye.

Donald Hackbarth:

Opposed? Approved.

**G. Consider Plan Commission Resolution #06-24 to initiate a zoning map amendment as a result of a wetland staking being completed.**

Jean Werbie:

Members of the Plan Commission, Resolution 06-24 is a Plan Commission Resolution to initiate a zoning map amendment. The Plan Commission may initiate a petition for an amendment of the zoning ordinance which may include a change in the zoning district boundaries. On July 27, 2006, the Village received an application from Mary Wade, Trustee for Sanetra Family Trust, for a wetland staking to be completed on the property generally on the east side of 1<sup>st</sup> Court in the 11300 block in the Village of Pleasant Prairie and further identified as Tax Parcel Number 93-4-123-293-0480. It's further identified as Lot 30 of Block 14 of Carol Beach Estates Subdivision, Unit #2.

The Village receive a letter dated November 7, 2006 from SEWRPC that indicated that the Plat of Survey correctly surveyed and identified the wetlands on the property as field staked on September 7, 2006 with a correction made to the Plat of Survey that correctly identifies the wetlands that were staked by the SEWRPC Chief Biologist Don Reed.

On November 15, 2006, the Village received the revised survey with the corrected note. In accordance with the Village of Pleasant Prairie General Zoning Ordinance, the C-1, Lowland Resource Conservancy District requirements in effect, the Plan Commission shall initiate the appropriate action to change the zoning map to conform to the wetland delineated Plat of Survey.

The Plan Commission is not making any recommendations this evening regarding the merits of the proposed change in the zoning map, but is rather only initiating the process by which the proposed change in the zoning map to be promptly evaluated. The staff recommends approval of Resolution 06-24 as presented.

Donald Hackbarth:

You heard the recommendation. Members, any comments?

Wayne Koessl:

Move approval.

Jim Bandura:

Second.



Donald Hackbarth:

**MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO APPROVE PLANN COMMISSION RESOLUTION #06-24 TO INITIATE A ZONING MAP AMENDMENT FOR THE REFERENCED PROPERTY. ALL IN FAVOR SAY AYE.**

Voices:

Aye.

Donald Hackbarth:

So approved. Anything else?

**7. ADJOURN.**

Wayne Koessl:

Move to adjourn.

John Braig:

Second.

Donald Hackbarth:

So moved and meeting adjourned.

**Meeting Adjourned at 6:50 p.m.**